

EXHIBIT 33



KENTUCKIANA
— COURT REPORTERS —

CASE NO. 20-CV-04768

JAMES FLETCHER JR.

V.

JEROME BOGUCKI, ET AL.

DEPONENT:

ANTHONY NORADIN

DATE:

February 22, 2023



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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION
4 JUDGE ANDREA WOOD
5 MAGISTRATE JUDGE MARIA VALDEZ
6 CASE NO. 20-CV-04768
7
8
9

10 JAMES FLETCHER JR.,
11 Plaintiff
12

13 V.
14

15 JEROME BOGUCKI, ANTHONY NORADIN, RAYMOND SCHALK,
16 ANTHONY WOJCIK, UNKNOWN CITY OF CHICAGO POLICE
17 OFFICERS, AND THE CITY OF CHICAGO,
18 Defendants
19
20
21
22

23 DEPONENT: ANTHONY NORADIN

24 DATE: FEBRUARY 22, 2023

25 REPORTER: SYDNEY LITTLE

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STIPULATION

The VIDEO deposition of ANTHONY NORADIN was taken at KENTUCKIANA COURT REPORTERS, 110 NORTH WACKER DRIVE, CHICAGO, ILLINOIS 60606, via videoconference in which all participants attended remotely, on WEDNESDAY the 22nd day of FEBRUARY 2023 at 10:12 a.m. (CT); said VIDEO deposition was taken pursuant to the FEDERAL Rules of Civil Procedure. The oath in this matter was sworn remotely pursuant to FRCP 30.

It is agreed that SYDNEY LITTLE, being a Notary Public and Court Reporter for the State of ILLINOIS, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.

PROCEEDINGS

COURT REPORTER: We're on the record.

My name is Sydney Little. I'm the online video technician and court reporter today representing Kentuckiana Court Reporters located at 110 North Wacker Drive, Chicago, Illinois 60606. Today is the 22nd day of February 2023. The time is 10:12 a.m. Central. We're convened by videoconference to take the deposition of Anthony Noradin in the James Fletcher Jr. versus City of Chicago et al pending in the United States District Court for the Northern District of Illinois Eastern Division, Case number 20-CV-04768. Will everyone, but the witness, please state your appearance, how you're attending, and the location you are attending from, starting with Plaintiff's counsel.

MR. SWAMINATHAN: This is Anand Swaminathan for Plaintiff Mr. Fletcher, appearing by Zoom from Chicago.

MS. BITOY: Jennifer Bitoy on behalf of the deponent, Anthony Noradin, appearing remotely in Chicago.

MR. BURNS: Dan Burns on behalf of the City of Chicago, appearing remotely from Chicago.

1 MS. BLAGG: Jennifer Blagg on behalf of the
2 plaintiff, appearing remotely from Chicago.

3 MS. GARCIA: Mariah Garcia, also appearing on
4 behalf of the plaintiff for -- and I'm remotely from
5 Chicago as well.

6 MR. STARR: John Starr appearing remotely from
7 Chicago on behalf of the plaintiff as well.

8 COURT REPORTER: All right, great. Thank you.
9 Mr. Noradin, will you please state your name for the
10 record.

11 THE WITNESS: Anthony Noradin. N-O-R-A-D-I-N.

12 COURT REPORTER: Thank you. And do all parties
13 stipulate that the witness is, in fact, Anthony
14 Noradin?

15 MR. SWAMINATHAN: So stipulated on behalf of
16 the plaintiff.

17 MR. BURNS: So stipulated.

18 COURT REPORTER: Okay. Thank you. And sir,
19 will you please raise your right hand? Do you
20 solemnly swear or affirm that the testimony you're
21 about to give will be the truth, the whole truth,
22 and nothing but the truth?

23 THE WITNESS: I do.

24 COURT REPORTER: Thank you. Counsel may begin.

25 MR. SWAMINATHAN: All right. And just before

1 we get going, let me note for the record my prior
2 memorialized communications with Mr. Stefanich on
3 behalf of defendants. We are agreeing to continue
4 this deposition and its -- at its conclusion for
5 today's purposes without questioning regarding the
6 subject of complaint registers against Mr. Noradin,
7 or anything related to his involvement in the Villa
8 case, and the law -- and the lawsuits that are
9 identified in his interrogatory responses, as those
10 are subjects related to 404(b) topics that we have
11 agreed to put off to a future date. So let me just
12 note that for the record. Ms. Bitoy, does that
13 fairly characterize our agreement?

14 MS. BITOY: It does.

15 MR. SWAMINATHAN: Okay. Thank you.

16 Am I pronouncing your name properly? Bitoy?

17 Is that correct?

18 MS. BITOY: Yes. Yes.

19 MR. SWAMINATHAN: Okay.

20 MS. BITOY: It is, yeah.

21 DIRECT EXAMINATION

22 BY MR. SWAMINATHAN:

23 Q Thank you. Thank you. Mr. Noradin, are you
24 currently employed by the Chicago Police Department?

25 A Yes, I am.

1 Q Okay. And how long have you been at the
2 Chicago Police Department?

3 A 29 years.

4 Q What is your current title, sir?

5 A Detective.

6 Q Okay. I'm going to refer to you as
7 Mr. Noradin or Detective Noradin, with your permission.
8 Is that a respectful way to refer to you, sir?

9 A That's fine.

10 Q Okay. Have you given a deposition before?

11 A Yes, I have.

12 Q How many times?

13 A Two or three, four? I'm not -- I'm not 100
14 percent sure.

15 Q Is -- has every deposition you've
16 been -- you've given, been in the context of your work
17 as a Chicago police officer?

18 A Yes.

19 Q Have you ever given a deposition in your
20 personal life related to personal matters unrelated to
21 your police work?

22 A No.

23 Q In each of the instances in which you were
24 previously deposed, were you a defendant in the lawsuit?

25 A Defendant as well as witness.

1 Q Okay. So in some cases, you've been deposed
2 as a witness, and in some cases, you've been deposed as
3 a witness; is that correct?

4 A Correct.

5 Q Okay. In how many cases have you been deposed
6 as a defendant?

7 A I believe two.

8 Q And how many cases have you been deposed as a
9 witness?

10 A One or two.

11 Q Okay. And in either of the cases in which you
12 in -- strike that. In any of the cases in which you've
13 been deposed as a witness, has it resulted in a verdict
14 against you?

15 A No.

16 Q In any of the cases in which you've been
17 deposed as a witness -- strike that. In any of the
18 cases in which you've been deposed as a defendant, has
19 it resulted in a judgment against you?

20 A No.

21 Q In any of the cases in which you've been
22 deposed as a defendant, has it resulted in a settlement
23 or monetary payment of any kind?

24 A Yes, I believe so.

25 Q Okay. In which case is that?

1 A I don't recall the name of the case.

2 Q Okay. Have you ever testified in court in a
3 civil lawsuit against yourself?

4 A Yes, I have.

5 Q Okay. In which case is that?

6 A Nicole Harris.

7 Q Okay. I'm not going to go into more detail on
8 those cases now in light of our prior agreement, but I
9 just wanted to get some basic understanding of the
10 contours of your prior testimony. Suffice to say you
11 have given several depositions in the past. You
12 understand how this process works. Is that fair, sir?

13 A Yes, I understand.

14 Q Okay. And you've given -- you've testified
15 under oath many, many times in your career; is that
16 fair?

17 A Yes.

18 Q Fair to say you've testified under oath
19 hundreds of times in your career?

20 A At least.

21 Q Okay. I'll just walk through the deposition
22 process very quickly, although I know you understand it,
23 but let me walk through it one more time. Sir, this is
24 a question-and-answer session. I'll ask you questions,
25 you'll answer them to the best of your ability. To the

1 extent I ask you a question that you do not understand,
2 please let me know and I will happily rephrase it.

3 Is that under -- is that fair?

4 A Understood.

5 Q Okay. If you answer my question then I will
6 assume you understood my question. Is that also fair?

7 A Understood.

8 Q Okay. If at any time you need to take a
9 break, please let me know and we'll take a break; is
10 that fair?

11 A Understood.

12 Q The only rule is that if I have a pending
13 question, you must complete answering that question
14 before we take a break, understood?

15 A Understood.

16 Q Okay. During the course of the deposition,
17 there's a court reporter who will be writing down all
18 the answers. So please make sure that you let me
19 complete my question before you answer the question,
20 understood?

21 A Understood.

22 Q And likewise, if you're answering my question,
23 and I've cut you off, you had more to say, please let me
24 know and I will let you finish your answer. It's not my
25 intention to cut you off, but sometimes you pause and I

1 think that you're done with your answer. Understood?

2 A Understood.

3 Q Okay. No verbal answers, no uh-huhs -- oh
4 sorry -- no non-verbal answers, no uh-huhs or nods of
5 the head, because the court reporter can't take that
6 down, understood?

7 A Understood.

8 Q Okay. Let me ask you a simple yes/no
9 question. I'm not asking to go into your medical
10 history, so listen carefully to my question. Do you
11 have any medical conditions that would prevent you from
12 being able to understand my questions and answer them
13 today?

14 A No.

15 Q Are you taking any medications that would
16 prevent you from being able to understand my questions
17 and answer them today?

18 A No.

19 Q Okay. All right. Let's -- tell me what year
20 you started in the Chicago Police Department.

21 A Can you repeat that, sir?

22 Q Yeah. Can you please tell me what year you
23 started in the Chicago Police Department?

24 A 1994.

25 Q Okay. And where did you get assigned when you

1 first joined the police department?

2 A I was assigned to the 15th District.

3 Q And which area is that in?

4 A Detective area?

5 Q Yes.

6 A That would be Area 5 Detective Division.

7 Q Okay. And then what was your next position in
8 the police department?

9 A I was promoted to detective in year 2000.

10 Q And where were you assigned?

11 A Area 5 Detective Division.

12 Q And what type of detective were you? Were you
13 a violent crimes detective, property detective?
14 What was it?

15 A I started out as general assignment, which
16 would handle all kinds of cases, and then I was doing
17 violent crimes.

18 Q Okay. So when did you become a violent crimes
19 detective?

20 A Six months after I -- I was promoted to
21 detective.

22 Q Okay. So sometime around the second half of
23 2000 or 2001, you became a violent crimes detective,
24 correct?

25 A Correct.

1 Q Okay. And have you held any other positions
2 in the Chicago Police Department?

3 A I have not.

4 Q Okay. So you've been a violent crimes
5 detective at Area 5 from approximately 2001 until the
6 present; is that fair?

7 A No.

8 Q Okay. Tell me why I've got that wrong.

9 A I was an Area 5 detective from September of
10 2000 through March of 2012.

11 Q And what happened in March of 2012?

12 A March of 2012, they shut down Area 5. Then I
13 was a detective at Area 3, which was known at that time
14 Area North, Belmont and Western.

15 Q Yep.

16 A And then in 2000 -- I'm sorry, 2020 to
17 current, I am now assigned to the Area 4 Detective
18 Division.

19 Q Sorry. So you got assigned to Area 4 for what
20 period?

21 A March of 2020 to now, current.

22 Q Okay. So you were at Area 5 until March of
23 2012, correct?

24 A Correct.

25 Q And then from March 2012 until March of 2020,

1 you were at Area 3; is that right?

2 A Correct.

3 Q Okay. And Area 3 is Belmont and Western,
4 correct?

5 A Correct. It was considered Area North at that
6 time.

7 Q When you say it was Area 3, it was also known
8 as Area North?

9 A Correct.

10 Q Okay. Okay. And where was your -- where were
11 you based out of Area -- where was Area 4 based when you
12 went there in March 2020?

13 A Harrison and Kedzie.

14 Q Okay. And have you been a vi -- when you were
15 in Area 5 until March of 2012, you were a violent crimes
16 detective throughout that period, after your initial six
17 months, correct?

18 A Correct.

19 Q And in Area 3, were you a violent crimes
20 detective?

21 A Correct.

22 Q And in Area 4, were you a violent crimes
23 detective?

24 A Correct.

25 Q Okay. And what kind of crimes do violent

1 crimes detectives investigate?

2 A Mainly homicides and crimes against persons.

3 Q Have you ever sought promotion from detective
4 to a sergeant or other role?

5 A No.

6 Q Why not?

7 A I don't have the schooling.

8 Q And what do you mean by that, sir?

9 A You need two years of college credit, and I
10 don't have two years of college credit.

11 Q Okay. Do you have any other sources of income
12 other than your work as a Chicago police officer?

13 A No.

14 Q Are you working any other jobs part-time or
15 full-time?

16 A No.

17 Q When you became an Area 5 detective, did you
18 go through a detective training program?

19 A I did.

20 Q Okay. And have you had any subsequent
21 training programs that you went through after you went
22 through the detective training at Area 5?

23 A Yes.

24 Q And what training is that?

25 A It's called lead homicide training.

1 Q You said lead homicide training?

2 A Lead. Yes. L-E-A-D.

3 Q Okay. And when did you go through lead
4 homicide training?

5 A I went through it a couple times. I don't
6 remember to years or the dates.

7 Q And can you explain for us what lead homicide
8 training is?

9 A Basically, it -- it -- it teaches you how to
10 be a homicide investigator.

11 Q And was that part of your initial detective
12 division training or something different?

13 A That was in addition to the training,
14 initially.

15 Q And you said you did it several times?

16 A At least a couple times that I'm aware -- that
17 I recall.

18 Q Okay. And what did you learn in the lead
19 homicide training that was not part of the regular
20 detective division training?

21 A It's just basically like a refresher course.

22 Q So it's something you don't do -- something
23 you do not at the same time as detective division
24 training or immediately afterward, but something you do
25 later on; is that right?

A That's correct.

Q Okay. And it's essentially intended as a refresher?

A That's correct.

Q Okay. Understood. And are there -- and as a general matter -- strike that. So if I understand correctly, the lead homicide training is something that essentially refreshes you on the same topics you've learned about in the original detective division training, correct?

A Correct.

Q Are there any newer different topics that you recall as part of the lead homicide training course?

A Not that I recall, no.

Q And how long was the lead train -- the lead homicide training course?

A It's a 40-hour course. It's a week course.

Q You do it over the course of one week while you're also performing your other duties as a police officer?

A Rephrase. I -- I don't understand.

Q Okay. You said you do it for -- it's 40 hours, but it takes one week?

A Correct.

Q Can you explain how it takes one week to do

1 the 40 hours of training?

2 A Monday through Friday, 7:00 to 3:00, 7:00 to
3 4:00, whatever the hours are.

4 Q Okay. All right. Are there any topics that
5 have been taught in your lead homicide training that
6 were different than what you learned in the original
7 detective division training that you did?

8 A Not -- not that I recall.

9 Q Did you receive training as -- strike that.
10 Did you receive training during the course of the lead
11 homicide training with regard to interrogations?

12 A Yes, we did.

13 Q Okay. And you also received training on that
14 subject in your original detective division training,
15 correct?

16 A Correct.

17 Q Okay. Did you receive any training on the
18 conduct in -- on the conduct of identification
19 procedures in your original detective division training?

20 A In reference to --

21 Q Photo arrays, live line-ups, those types of
22 things?

23 A That would've been part of the -- that
24 would've been part of the training. Yes.

25 Q Okay. And so when I refer to identification

1 procedures, you understand that to mean things like
2 photo arrays and live line-ups?

3 A Yes.

4 Q Okay. And what terminology do you use
5 generally to describe those concepts?

6 A Photo array and line -- physical line-up.

7 Q Okay. All right. So let me just -- let me
8 just go through and make sure I'm using the same
9 vocabulary as you. So live line-up, can you just
10 explain what that is?

11 A A live line-up is individuals in --
12 in -- physical line-up, is a person at -- physically, at
13 the -- at the area standing in a line-up with other
14 individuals.

15 Q Okay. And then what's a photo array?

16 A Photo array is basically six photos of
17 individuals on a piece of paper.

18 Q Okay. And then what's a show-up?

19 A Show-up is when if a crime occurs on the
20 street, and the -- the -- the offender is captured
21 subsequently close to the time that the -- the incident
22 occurred, the officer will do a show-up with the victim
23 on scene.

24 Q In other words, the victim will view that
25 single person who is the suspect?

A Correct.

Q And it'll be out in the field on, you know,
out in the street somewhere?

A Correct.

Q Okay. So a show-up occurs -- is a show-up is
basically a single person identification under unique
circumstances, correct?

A Correct.

Q Okay. And what are the unique circumstances?

A I'm -- I'm sorry?

Q And what are those unique circumstances when
you conduct showups?

A If the crime happened -- if -- if the show-up
is done immediately following the crime.

Q Okay. And then what does a photo show-up?

A What is a photo show-up?

Q Yes.

A It's photo array.

Q That's what I'm asking you. What -- is there
ever a term, a concept, called a photo show-up?

A No.

Q Okay. You're not -- you'd never used a
terminology known as a photo show-up?

A I've never used a terminology photo show-up.

Q Okay. And do you know what a photo show-up

1 is?

2 A If you're --

3 MS. BITOY: I'm just going to object to the
4 foundation. You can go ahead and answer.

5 A When you say photo show-up, what are you
6 refer -- what -- what are you -- what are you referring
7 to?

8 Q I -- I'm just referring to -- I -- I've seen
9 the term photos show-up in various police documents. I'm
10 wondering if you have an understanding of what that
11 terms mean in police parlance?

12 A Well, a photo show-up could be interpreted as
13 a photo array.

14 Q Okay. And could a photo show-up be
15 referred -- be interpreted as a show-up?

16 MS. BITOY: Object, again, to foundation, and
17 if you have an answer, you can answer that.

18 A My -- my only understanding is photo array.
19 I don't know anything about a photo show-up.

20 Q Okay. In the lead homicide training, did you
21 get training on the conduct -- strike that. On the
22 documentation practices of detectives?

23 A Yes.

24 Q And what training did you -- strike that.
25 And did you receive any training in the lead homicide

1 training course that was on the subject of documentation
2 that was different than what you had learned in your
3 detective division training?

4 A Not that I recall, no.

5 Q Did you ever receive any training during the
6 course of your -- strike that. In your detective
7 division training, did you receive any training about
8 the Jones Palmer litigation from the early 1980s?

9 MS. BITOY: I object to foundation. You can
10 answer.

11 A I don't recall that.

12 Q In your detective division -- strike that.
13 In the lead homicide training, did you receive any
14 training about the Jones Palmer litigation from the
15 early 1980s?

16 MR. BURNS: Objection to foundation.

17 A I don't recall that.

18 Q In the detective division training you
19 received back in around 2000, did you receive any
20 training about street files?

21 MR. BURNS: Objection. Foundation.

22 Q Go ahead.

23 A In the -- in the -- as far as training goes?

24 Q Yes.

25 A No.

1 Q Okay. In your --

2 A Not that I recall.

3 Q In your lead homicide training, did you
4 receive any training about street files?

5 A Not that I recall, no.

6 Q Okay. During the course of your detective
7 division training, whether initially or in the lead
8 homicide training, did you receive training that
9 documentation is a requirement of detectives?

10 A Yes.

11 Q Were you trained that documentation was an
12 important step in the role of detectives?

13 A Yes.

14 Q Were you trained that detectives should
15 document their investigative steps?

16 A Yes.

17 Q Were you trained that detectives should
18 document both information that is incriminating and
19 information that is exculpatory towards the det- --
20 towards suspects?

21 A Yes.

22 Q Were you trained to document when you
23 conducted interviews?

24 A Yes.

25 Q Were you trained to document -- strike that.

1 Were you trained that it was important to have thorough
2 and accurate documentation?

3 A Yes.

4 Q And what steps did you take to try to have
5 thorough and accurate documentation?

6 MS. BITOY: Object to form. You can answer.

7 A I have referred to my -- my general progress
8 reports when I write my reports.

9 Q In other words, you use your notes to help you
10 write thorough and accurate reports; is that correct?

11 A That's correct.

12 Q And so were you trained that notetaking was an
13 important step in conducting homicide investigations?

14 A Yes, it was.

15 Q And were you trained that notes were an
16 important tool to help you write your reports?

17 A Yes.

18 Q And were you trained that you should take
19 notes to help you aid your memory in writing your
20 reports?

21 A Yes.

22 Q And did you follow those practices?

23 A Yes, I do.

24 Q Is it your practice -- is it your regular
25 practice to take notes during the course of your

1 homicide investigations?

2 A Yes, I do.

3 Q And then you do you do that as a matter of
4 routine?

5 A Yes.

6 Q And what are the types of things you take
7 notes about during the course of your involvement in
8 homicide investigations?

9 A People I've talked to, crime scene, evidence,
10 canvas, video location.

11 Q Excuse me. During the course of your
12 involvement in homicide investigations -- well, strike
13 that. What information from your notes do you include
14 in your report?

15 A The information -- what -- my notes dictate
16 what my report says.

17 Q In other words, the information in your notes
18 helps you prepare the report; is that right?

19 A That's correct.

20 Q And sometimes the notes may be cryptic or
21 incomplete, but then you'll flesh that out in your
22 report; is that correct?

23 MS. BITOY: Objection. Misstates his
24 testimony. You can answer that question.

25 A My notes reflect my re -- my report reflects

1 what my notes say.

2 Q Okay. And would you -- did you try to
3 take -- when you took notes, would you take notes on the
4 important things that witnesses were telling you?

5 A Yes.

6 Q Okay. And you obviously weren't taking a
7 transcript of every single thing a witness was saying.
8 That's fair when you take notes, right?

9 A My notes are just -- my notes that'll refresh
10 my recollection of what they said.

11 Q Okay. And so any -- anything a witness was
12 telling you that you thought was important or pertinent,
13 you'd take a note on those portions to assist you in
14 writing your future reports, correct?

15 A My notes reflect what the witnesses told me.

16 Q Okay. And when you took notes, would you try
17 to make sure that the information that you believe the
18 witness was telling you that was pertinent to the
19 investigation was included in your notes?

20 A You're trying to -- you're trying to say I'm
21 putting pertinent stuff in and leaving other stuff out.
22 That's not the truth. What my note -- my notes reflect
23 what -- my report reflects my notes.

24 Q Okay. And in your notes -- what I'm asking
25 you is what do your notes reflect? Your notes are

1 obviously not a transcription of every word the witness
2 said, correct?

3 A Generally, no.

4 Q So what type of information were you
5 taking -- of all the things the witness told you, what
6 was the type of information you were putting into your
7 notes?

8 MS. BITOY: Object to the form and foundation,
9 incomplete hypothetical. You can answer the
10 question.

11 A My notes help me write my report. Based on
12 what's on my notes, my report reflects what's in my
13 notes.

14 Q I'm not asking you about your report with this
15 question. I'm asking you a different question, which is
16 just about your notes. Putting aside the reports for a
17 moment, what type of information that a witness provided
18 you would you include in your notes?

19 MS. BITOY: Object to asked and answered.
20 You can answer the question.

21 A I write down basically what the -- what the
22 witness and/or victim had told me.

23 Q And if there was information a witness told
24 you that you thought was relevant or important to the
25 investigation, would you take notes on it?

1 A Whether it was important or not important,
2 it would be in my notes.

3 Q Okay. Would you -- did you take notes
4 contemporaneously?

5 A Yes.

6 Q In other words, as you were talking to the
7 witness, you'd take notes as you were talking to them;
8 is that fair?

9 A That's fair.

10 Q Similarly, if you were at a crime scene and
11 taking notes about what you observed, you'd do that as
12 you were at the crime scene, correct?

13 A That's correct.

14 Q It was not your practice to wait until you got
15 back to the police station before you wrote notes,
16 correct?

17 A That's correct.

18 Q Okay. Are there any homicide investigations
19 that you've been involved with in which you simply took
20 no notes?

21 A Yes.

22 Q And what are the circumstances in which you'd
23 be involved in a homicide investigation and taking no
24 notes?

25 A I didn't have -- well, for example, this case,

1 I did not take any notes in this case.

2 Q Why would that be the case?

3 A I'm sorry?

4 Q Why would that be the case?

5 A Because my -- my involvement in this case was
6 very little.

7 Q Okay. Let's talk about that. So let me see
8 here. I'm showing you a document I've marked as Exhibit
9 1. These are your interrogatory responses in this
10 matter. The caption is Fletcher v. Bogucki et al,
11 and it says, "Defendant Anthony Noradin's answers to
12 Plaintiff's first set of interrogatories." You see
13 that, sir?

14 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

15 A Yes.

16 Q Okay. And so these are a set of responses
17 that you provided to questions from Plaintiff's counsel,
18 correct?

19 A Yes.

20 Q And looking at page 11 of this document, is
21 that your signature, sir?

22 A Yes, it is.

23 Q Okay. And so you re -- did you review these
24 interrogatory responses before you signed this?

25 A I did.

1 Q Okay. And so the information in this -- in
2 these interrogatory responses is truthful and accurate;
3 is that fair?

4 A Yes.

5 Q Okay. Let's take a look at question number
6 five. Question number five says, "Do you contend that
7 Plaintiff James Fletcher murdered Willie Sorrell? If
8 so, please provide the complete factual basis for your
9 contention." Do you see that, sir?

10 A Yes.

11 Q Okay. And your answer is, "Defendant Noradin
12 objects to Interrogatory number 5 as it is a contention
13 interrogatory and premature at this stage in litigation.
14 Subject to and without waiving said objection, Plaintiff
15 murdered and/or participated in the murder of Willie
16 Sorrell based on the entirety of the police
17 investigation and the criminal trial testimony." Do you
18 see that, sir?

19 A Yes, sir.

20 Q Okay. So it's your opinion that Plaintiff did
21 commit the murder of Willie Sorrell; is that correct?

22 A Yes.

23 Q Okay. And you believe you had a sufficient
24 involvement in this homicide invest -- investigation to
25 be able to offer such an opinion, correct?

1 A Based on the information that I knew at the
2 time, yes.

3 Q Okay. And so you were involved with this
4 investigation in -- strike that. You were sufficiently
5 involved in the investigation to be able to offer an
6 opinion about Plaintiff being guilty of the murder,
7 fair?

8 A Fair.

9 Q Okay. And you had sufficient involvement in
10 the investigation that you learned the information that
11 caused you to believe Plaintiff was involved in the
12 murder, correct?

13 A Yes.

14 Q And what information did you learn during the
15 course of your involvement in the investigation that
16 caused you to believe Plaintiff was guilty of the
17 murder?

18 A He was identified by two individuals as the
19 person who shot and killed Willie Sorrell.

20 Q Okay. And when did you learn that
21 information?

22 A During the course of the investigation.

23 Q So you knew that information while you
24 were -- during the course of your involvement, correct?

25 A At some point, yes.

The Deposition of ANTHONY MORRIS, taken on February 22, 2023

1 Q Okay. And let me ask you this.

2 After Mr. Fletcher was charged with this crime, did you
3 have any other involvement in this investigation?

4 A I did not.

5 Q Okay. So from the time that charges were
6 approved against Mr. Fletcher, did you have any
7 involvement in any work in the pretrial period leading
8 up to the criminal trial?

9 A I did not.

10 Q Did you testify at the criminal trial?

11 A I did not.

12 Q Did you testify in any post-conviction
13 proceedings?

14 A I did not.

15 Q Okay. And so your entire basis for knowledge
16 regarding the Sorrell murder investigation was your
17 involvement up to the point that charges were approved
18 against Mr. Fletcher; is that correct?

19 A That's correct.

20 Q Okay. And so at the point that charges were
21 approved against Mr. Fletcher, you were aware that he'd
22 been identified by two witnesses, correct?

23 A Correct.

24 Q And did you have -- were you involved in those
25 identification procedures?

1 A No, I was not.

2 Q And so how did you learn -- how did you know
3 about them?

4 A Detective Bogucki and Detective Schalk.

5 Q Okay. They told you about it?

6 A Yes.

7 Q Okay. And what did they tell you about the
8 positive identifications of Mr. -- strike that. What
9 did they tell you about the identifications of Mr.
10 Fletcher?

11 A Sheenee Friend and Edward Cooper identified
12 him as the person who shot Willie Sorrell.

13 Q Did they tell you anything else about those
14 identifications?

15 A That's what I recall.

16 Q Did they tell you whether there were any other
17 identifications?

18 A Not that I re -- not that I recall, no.

19 Q Did they tell you if there were any failed
20 identifications or negative identifications?

21 A Based on my review of the reports, I --
22 I'm -- I saw there was negative -- negative photo
23 arrays.

24 Q Were there any negative photo arrays of Jimmy
25 Fletcher?

1 A Not that I'm aware of.

2 Q Okay. Did anyone ever inform you about
3 whether there were any negative identification
4 procedures involving Jim -- Jimmy Fletcher?

5 A No.

6 Q Did you review any documentation indicating to
7 you that there were any negative identification
8 procedures involving Jimmy Fletcher?

9 A No.

10 Q And if there had been negative identification
11 procedures in which Jimmy Fletcher had not been
12 identified from photos, should that have been
13 documented?

14 A Yes, it should have.

15 Q Okay. Should all line-up -- strike that.
16 Should all photo identification procedures, whether
17 line-ups or photo arrays, should those be documented?

18 A Yes.

19 Q If the photo array or line-up results in a
20 negative identification or a failure to make an
21 identification, should it still be documented?

22 A Yes.

23 Q And what information needs to be documented
24 for even a negative photo array or a line-up?

25 A Information would be the witness that viewed

1 the line-up, the participants in that photo line-up, and
2 whatever documentation that the witness provided at that
3 time.

4 Q When you say whatever documentation that the
5 witness provided at that time, what do you mean?

6 A Reference -- I'm referencing whatever the
7 witness said at that time. He -- a person could look at
8 the photo array and say, "I don't recognize anybody in
9 these photos."

10 Q Okay. In other words, you should -- the
11 report should accurately document what the witness said
12 when they were shown the photos or the line-up, correct?

13 A That's correct.

14 Q Okay. And that's true even if it's a negative
15 line-up, correct?

16 A Correct.

17 Q And is the photo line-up, or photo array,
18 supposed to be inventoried in the case of a negative
19 procedure?

20 A Yes.

21 Q Okay. Was that your practice?

22 A Yes.

23 Q Did you inventory photo arrays in which it did
24 not result in an identification?

25 A Is that a general question or are you

1 referring to this -- to this case?

2 Q Thank you. And let me clarify. That --
3 that's a good question. Was it your practice to
4 inventory photo arrays in which there was a negative
5 identification?

6 A Yes.

7 Q And was it your practice to have photographs
8 taken of line-up procedures that resulted in negative
9 identifications?

10 A Yes.

11 Q Okay. And were you -- was your practice, with
12 regard to inventorying negative photo arrays, consistent
13 with the policies of the Chicago Police Department?

14 A Can we go back one question?

15 Q Please.

16 A You asked the question if the -- if there's a
17 photo array we're taking pictures of. Are you referring
18 to the pho -- a -- a photo array of six individuals, or
19 are you talking about a physical photo array -- of
20 physical line-up?

21 Q Yeah, sorry. So let me just clarify again to
22 make sure we're not -- there's no misunderstanding. I'm
23 going to refer to the photo arrays which you've -- which
24 you previously told me as sort of a set of six photos,
25 correct?

A That's correct.

Q Okay. And then I'm going to separately refer to line-ups as being physical line-ups, correct?

A Correct.

Q Okay. All right. So let's just clear it up, and make sure I'm not misunderstanding. So your practice was -- strike that. With regard to photo arrays, your practice was to inventory the photo arrays even if they resulted in a negative identification, correct?

A That is correct.

Q And your -- and that practice was consistent with Chicago Police Department policy, correct?

MR. BURNS: Objection. Foundation.

MS. BITOY: And foundation. Sorry. Sorry, Dan.

A Yes, correct. Correct.

BY MR. SWAMINATHAN:

Q And that practice was consistent with Chicago Police Department training for detectives, correct?

MR. BURNS: Objection. Foundation.

MS. BITOY: Foundation. Object. Join. You can answer.

A Correct.

Q And with regard to live line-up procedures,

1 your practice was to document with photos those -- the
2 participants in the line-up, even in the case of
3 negative identifications, correct?

4 A Correct.

5 Q Okay. And your practice with regard to live
6 line-ups was consistent with CPD policy, correct?

7 MS. BITOY: Objection. Foundation.

8 MR. BURNS: Objection. Foundation.

9 A Correct.

10 Q And your practice was consistent with CPD
11 training, correct?

12 MS. BITOY: Same objection.

13 A Correct.

14 Q Did you participate in -- strike that. Let's
15 take a look at your -- oh, sorry. Looking again at
16 interrogatory number 5 and your answer to interrogatory
17 number 5. Other than the two positive identification
18 procedures that you learned about from Mr. Bogucki and
19 Schalk, what other basis do you have for asserting that
20 Plaintiff was guilty of the Willie Sorrell murder?

21 A Based on interviews of Sheenee Friend and
22 Edward Cooper.

23 Q Did you participate in either of those
24 interviews?

25 A I did not.

1 Q And how did you learn about those interviews?

2 A Based on what I've read in the reports.

3 Q Okay. And when did you read that information
4 in the reports? Was it recent in preparation for this
5 deposition, or was this back at the time that you were
6 involved in the homicide investigation?

7 A Back when I was involved in homicide
8 investigation. I made my --

9 Q Okay.

10 A I -- I reviewed the reports in -- in reference
11 to the investigation. Familiar -- to familiarize myself
12 with the investigation.

13 Q Okay. So when you were in -- your involvement
14 -- during the course of your involvement in the
15 investigation, you familiarized yourself with the
16 reports that had been prepared in that investigation up
17 to that point, correct?

18 A That's correct.

19 Q And so at that time, you had learned of the
20 information contained in the various reports that had
21 been prepared by your colleagues, correct?

22 A Correct.

23 Q Did you have any oral conversations with
24 Mr. Bogucki or Mr. Schalk about the interviews of
25 Mr. -- of Ms. Friend or Mr. Cooper?

1 A I reviewed their -- their progress note,
2 general -- general progress notes as well as the
3 handwritten statements.

4 Q Okay. And this was, again, back during the
5 time of your involvement in the investigation, correct?

6 A Correct.

7 Q Okay. Did you -- what other information were
8 you aware of during your involvement in the homicide
9 investigation that you rely on for purposes of asserting
10 that Plaintiff was involved in the murder of Willie
11 Sorrell?

12 A Just -- just -- just those facts alone, and
13 that he was identified by the two witnesses. And the
14 interviews conducted by -- conducted with Edward Cooper
15 and Sheenee Friend.

16 Q Have you ever had any -- you said you didn't
17 have any involvement in the criminal trial, correct?

18 A I did not.

19 Q Did you meet with any prosecutors in
20 preparation for the criminal trial?

21 A I did. Yes, I did.

22 Q And then ultimately, you did not testify; is
23 that correct?

24 A That's correct.

25 Q Do you know why the decision was made for you

1 not to testify?

2 MS. BITOY: Objection.

3 A I do not.

4 MS. BITOY: Objection. Calls for speculation.

5 You can answer.

6 A I do not.

7 Q Did you review reports in the course of your
8 meeting with the prosecutors in preparation for trial?

9 A I did not.

10 Q Did you review any reports independently
11 before you met with prosecutors for possible testimony
12 at the criminal trial?

13 A I did not.

14 Q Have you learned any -- strike that. Have you
15 reviewed any documents related to the post-conviction
16 proceedings involving Mr. Fletcher?

17 A I have not.

18 Q Are you aware of what evidence was used to
19 obtain Mr. Fletcher's exoneration?

20 MS. BITOY: I'm going to object for calls for a
21 legal conclusion and foundation. You can answer.

22 A I do not.

23 Q Did you review the federal judge's decision
24 related to Mr. Fletcher's case?

25 A I did not.

1 Q As you sit here today, do you have any
2 knowledge about why Mr. Fletcher's conviction was
3 vacated?

4 A I do not.

5 Q Do you have any opinion about whether the
6 vacating of his conviction was appropriate?

7 MS. BITOY: Object to form. You can answer.

8 A I -- I can't give an opinion on something I
9 don't know the background on.

10 Q Okay. And so given that you have not reviewed
11 the evidence that resulted in his conviction being
12 vacated, do you still stand by an opinion that Plaintiff
13 murdered Mr. Sorrell?

14 MS. BITOY: Just object to form, foundation.

15 You can answer.

16 A Based on the information I knew back at the
17 time with the identification of Ms. -- Mr. Fletcher
18 being the person who shot Willie Sorrell, yes.

19 Q Okay. And is it your opinion -- strike that.
20 Is it your testimony that regardless of what information
21 was developed during the course of the post-conviction
22 investigation, it would not and could not change your
23 opinion about Plaintiff's involvement in the Sorrell
24 murder?

25 MS. BITOY: Object to form, foundation, calls

1 for legal conclusions. You can answer.

2 A I don't -- I can't compare the two to make a
3 final, I can't compare the two to give you a decision
4 why -- I don't know why his -- why there was a legal
5 process after he was convicted. I just know up until
6 that point he was identified by two witnesses and based
7 on the witnesses identification and the witnesses
8 interview, that's why he was -- he was charged
9 with -- with what he was charged with.

10 Q Okay. And so you -- certainly, it was your
11 belief at the time that Plaintiff was charged with the
12 murder based on your involvement in the investigation
13 that he was guilty of that crime, correct?

14 A Based on that information, yes.

15 Q Okay. And you acknowledge that since that
16 time, other evidence has been developed that you're not
17 aware of that resulted in his conviction being vacated,
18 correct?

19 MS. BITOY: Object to the foundation.

20 You can answer.

21 A Based on what you're telling me, the --
22 that's -- that's how I know.

23 Q Okay. And you've seen the complaint in this
24 case, correct?

25 A Pardon me?

1 Q You've seen the complaint, the lawsuit that
2 was filed against you, correct?

3 A I believe I read it once, but it was a long
4 time ago.

5 Q Okay. And so you understand that the only
6 reason there's a lawsuit now is because Mr. Fletcher's
7 conviction was vacated, correct?

8 MS. BITOY: Object to foundation, calls for a
9 legal conclusion. You can answer.

10 A I believe. Yeah, that's what I believe, yes.

11 Q Okay. And do you have any knowledge about
12 what -- strike that. Do you have any understanding
13 today about what the claims are about the misconduct
14 that occurred in this case that resulted in
15 Mr. Fletcher's conviction?

16 A I do not.

17 MS. BITOY: Object. Objection, foundation,
18 calls for legal confusion. You can answer. Sorry.

19 A I do not.

20 Q All right. Let's look at your -- let's look
21 at number 6. Interrogatory number 6. Do you see that,
22 sir?

23 A Yes.

24 Q Okay. Just take a moment to read
25 interrogatory number 6 and your response and let me know

1 when you've done so.

2 A Okay.

3 Q All right. Basically, interrogatory number 6
4 asks whether you participated in any identification
5 procedures including photo arrays and live line-ups,
6 correct?

7 A Correct.

8 Q And your answer is, "Well, look at the police
9 reports contained in the investigative file," which is
10 at Bates stamps 1 through 226, correct?

11 A Yes.

12 Q Is there any information that is contained in
13 the investigative file that you believe is false or
14 inaccurate?

15 MS. BITOY: Object to form, foundation.

16 You can answer.

17 A No.

18 Q You reviewed the investigative file in
19 preparation for this deposition, correct?

20 A I did.

21 Q And when you reviewed the investigative file
22 in preparation for this deposition, did you find any
23 information in it that was false or inaccurate?

24 MS. BITOY: I'm just going to object to the
25 foundation. You can answer.

A No.

Q When you -- did you review the investigative file before you answered these interrogatories?

A No.

Q Okay. When you reviewed the investigative file -- strike that. Your interrogatory response indicates that the answer to the question, "Did you participate in any identification procedures including photo arrays and live line-ups," is contained in the investigative file at City-JF 1 through 226, correct?

A Correct.

Q Okay. All right. Let's take a look at a document that I've marked as Exhibit 2. Let's not use this version. Sorry. Sorry about that. Let's see. Okay. Let's see if this works here. All right. Are you able to see a document on my screen now?

(EXHIBIT 2 MARKED FOR IDENTIFICATION)

A I do.

Q Okay. All right. I'm showing you a document I've marked as Exhibit 2. This is City-JF 153 through 158. Do you see that, sir?

A I do.

Q Okay. And so this is that investigative file that you referred to in your interrogatory, correct?

A It's one of them, yes.

1 Q Okay. Strike that. Good point. This is a
2 document that is part of the investigative file that
3 you referred to in your interrogatory response, correct?

4 A Correct.

5 Q And this is one of the documents that you
6 reviewed in preparation for this deposition, correct?

7 A Correct.

8 Q Okay. And this document is a Chicago Police
9 Department supplementary report, documenting in
10 particular a line-up report, correct?

11 A Correct.

12 Q Okay. And this is a line-up report obviously
13 conducted in this as part of the Sorrell investigation,
14 correct?

15 A Correct.

16 Q Okay. And what's the date that this report
17 was submitted?

18 A 21 May 2002.

19 Q Okay. And this is ultimately documenting a
20 line-up that occurred on what date?

21 A 20 April 2002.

22 Q Okay. Do you know why it took so long to
23 create documentation of a line-up?

24 MS. BITOY: Objection form, foundation. You
25 can answer.

A I do not.

Q And if you look on page 6 of this document, it identifies the report as being the report of Mr. Schalk, Mr. Bogucki, and yourself, correct?

A That's correct.

Q Okay. And so you did have -- you were involved in this line-up procedure; is that correct?

A To certain -- to some certain extent I was.

Q In what way were you involved in the line-up procedure?

A You know, my only participation in this line-up procedure was the transfer of James Fletcher from 26th and California to the Area 5 Detective Division.

Q Did you have any other involvement in the line-up procedure?

A I had no contact with the witnesses. I had no contact with anybody else in reference to the line-up procedure, other than transport procedure from 26th and Cal to Area 5 Detective Division.

Q So in other words, you're saying you went to 26th and California and brought Mr. Fletcher to Area 5; is that right?

A That's correct.

Q Did you stand with the line-up participants in

1 the viewing room?

2 A I did not.

3 Q Okay. Did you -- were you in the room with
4 the witnesses who viewed the line-up?

5 A I did not.

6 Q So your testimony is that you actually had no
7 involvement in the actual line-up itself; is that
8 correct?

9 A That is correct.

10 Q Do you know why you were included as being
11 individuals who participated in this line-up on this
12 report Exhibit 2?

13 A Why I was included in this report?

14 Q Yeah.

15 A For the transfer of James Fletcher from 26th
16 and California to Area 5 Detective Division. And if you
17 scroll up a little bit, under persons conducting
18 line-up, there's the two -- there's Detective Bogucki
19 and Detective Schalk.

20 Q And so that indicates that you did not
21 participate -- you did not actually conduct the
22 line-up, correct?

23 A Correct.

24 Q Who was in the room with the witnesses when
25 the line-up was conducted?

1 MS. BITOY: Objection form, foundation.

2 You can answer.

3 A I don't know.

4 Q And did you have -- you see a list of persons
5 present at the line-up as Attorney J. Cunyon Gordon?

6 A I see that, yes.

7 Q Did you have any communications with
8 Mr. Gordon?

9 A I did not.

10 Q And did you have any -- strike that. Do you
11 have any knowledge about any interactions with Gordon?

12 A I did not.

13 Q Did you have -- and do you have any
14 information about -- strike that. But was Attorney
15 Gordon in -- did Attorney Gordon participate in the
16 line-up as far as you know?

17 MS. BITOY: Objection, foundation. You can
18 answer.

19 A I don't know.

20 Q Did -- was Attorney Gordon allowed to be in
21 the room while the witnesses view the line-up?

22 MS. BITOY: Objection. Foundation. You can
23 answer.

24 A I don't know.

25 Q Okay. Did you have any knowledge of whether

1 an attorney appeared on behalf of Mr. Fletcher at the
2 police station that day?

3 MS. BITOY: Objection. Foundation. You can
4 answer.

5 A I don't recall any knowledge of that, no.

6 Q Okay. So what were you doing -- strike that.
7 You were involved in the investigation on April 20,
8 2002, correct?

9 A I was.

10 Q And what did you do on that day?

11 A I don't recall.

12 Q Do you recall doing anything other than
13 transferring Mr. Fletcher to the police station?

14 A No, I don't recall anything other than that.

15 Q Okay. If you had done anything else other
16 than that, would you have written some notes or
17 documentation about it?

18 A Yes.

19 Q And by the way, do you know -- are you able to
20 say with certainty that you didn't take any notes during
21 the course of your involvement in this homicide
22 investigation?

23 A If I took notes in this homicide
24 investigation, they would be part of the file.

25 Q Well, certainly under policy they should be in

1 the file. Any notes you took, you would preserve them
2 and keep them in the file, correct?

3 A Any notes that I would've -- would've drafted
4 would've been part of the file.

5 Q Okay. And when you -- when you take notes, do
6 you immediately put them into the investigative file or
7 do you first you keep them with yourself for some period
8 of time?

9 A They go in the investigative file with a
10 report.

11 Q And so when you type up a report and complete
12 the report and submit it, you submit it with the notes;
13 is that correct?

14 A That's correct.

15 Q And sometimes there's a little bit of delay
16 before you write a report, correct?

17 A Depending on the circumstances, yes.

18 Q Sometimes it -- sometimes it'll take you as
19 long as a month to write a line-up report?

20 MS. BITOY: Objection to form, foundation. You
21 can answer.

22 A It could take a day, it could take two days,
23 it could take a month, yes.

24 Q Okay. And during that period of time, if you
25 had notes, you would hold on to those notes until you

1 submitted the line-up report, correct?

2 A Correct.

3 Q And same thing is true for a cleared open or
4 cleared closed report, correct?

5 A Correct.

6 Q It could sometimes take as much as a month for
7 you to write a cleared -- to submit a cleared open or
8 cleared closed report, correct?

9 MS. BITOY: Object as to the foundation.

10 You can answer.

11 A If there -- depending on how in-depth the
12 investigation is, it may take time.

13 Q Okay. And in those circumstances, you would
14 hold onto your notes until you submitted the report,
15 correct?

16 A Yes.

17 Q Okay. And in this investigation, do you have
18 any memory -- strike that. Do you have any personal
19 memory about whether you created any notes or not during
20 the course of this investigation?

21 A I did not create any notes in the part of this
22 investigation.

23 Q And your knowledge of that is based on the
24 fact that you don't see any notes in the investigative
25 file from you, correct?

1 A No. My -- my knowledge is based on what I
2 recall. I did not -- I did not take any notes in this
3 case.

4 Q Did you interview any witnesses in this case?

5 A I did not.

6 Q Did you have -- strike that. Did you have any
7 interactions with any of the witnesses related to this
8 trial investigation?

9 A I did.

10 Q Which witnesses?

11 A Terry Rogers.

12 Q Okay. And you were -- you participated in an
13 interview of Terry Rogers, correct?

14 A An interview with the state's attorney.

15 Q Okay. And did you take any notes on that
16 interview?

17 A I did not.

18 Q How many interviews did you participate in
19 which Terry Rogers was questioned?

20 A Just the one with the state's attorney.

21 Q Well, tell me about how that conversation went
22 down.

23 A What do you mean, how the conversation went
24 down?

25 Q Yeah. So did you meet with the -- did the

1 state's attorney meet with Mr. Rogers just once?

2 MS. BITOY: Just going to object to foundation.

3 You can answer.

4 A My recollection is she met with him at least
5 once or twice.

6 Q Okay. You met with Mr. Rogers in May of 2002,
7 correct?

8 A Correct.

9 Q Okay. And when you met with Rogers in May of
10 2002, how many times did you meet with him?

11 A Are you asking how many times did I meet with
12 him prior to May?

13 Q No, I'm asking when you met with him in May of
14 2002, how many times?

15 A Well, when you say how many times, he was
16 picked up at 26th and California, brought to Area 5, and
17 he was interviewed by the state's attorney in my
18 presence.

19 Q Okay. And so when he was brought to Area 5,
20 who brought him?

21 A I believe myself, Detective Schalk, and
22 Detective Bogucki.

23 Q And what did you-all say to Mr. Rogers during
24 the course of that transport?

25 A I don't recall.

1 Q And what did Mr. Rogers say to you-all during
2 the course of that transport?

3 A I don't recall.

4 Q And then once he got to Area -- once he'd been
5 brought to Area 5, how many interviews were conducted
6 with Mr. Rogers before he met with the state's attorney?

7 MS. BITOY: Object to foundation. You can
8 answer.

9 A My -- far as I know, I don't recall if there
10 were any interviews conducted prior to the state's
11 attorney arriving at Area 5.

12 Q Okay. So sitting here today, do you have any
13 ability to say whether or not any interviews were
14 conducted of Mr. Rogers before the state's attorney
15 arrived?

16 A I -- I can't. I don't recall.

17 Q Okay. Did you participate in any interviews
18 of Mr. Rogers before the state's attorney arrived?

19 A Not -- not that I recall, no.

20 Q Okay. And you can't say whether or not
21 Mr. Bogucki and Mr. Schalk participated in any
22 interviews of Mr. Rogers before the state's attorney
23 arrived, correct?

24 MS. BITOY: Object the foundation. You can
25 answer.

1 A No, I can't answer that. I -- I don't recall
2 that.

3 Q Okay. And so once the state's attorney
4 arrived, what happened?

5 A The interview with myself and Terry Rogers and
6 the state's attorney, did -- conducted an interview as
7 with her doing a handwritten statement.

8 Q Okay. And how long did that interview last?

9 A I don't recall.

10 Q Was it ten minutes, was it an hour, was it
11 three hours? Can you give me a general ballpark?

12 A Based on handwritten statement, I would -- I
13 would venture to say about an hour.

14 Q Okay. And when that handwritten statement was
15 taken -- well, strike that. The handwritten statement,
16 was that written out while Mr. Rogers was in the room
17 with the state's attorney, or did the state's attorney
18 write that out in another room before coming back in to
19 show it to Mr. Rogers?

20 A No. The -- the handwritten statement was
21 taken in my presence, Terry Rogers' presence, and the
22 state's attorney's presence. She wrote -- she was
23 writing down as Terry Rogers was -- was speaking.

24 Q So she was actually -- so whatever he was
25 saying to her, she was just writing it out dutifully as

1 he was saying it; is that correct?

2 MS. BITOY: Object to form. But you can
3 answer.

4 A As the interview was -- as the interview was
5 taking place, she was taking -- she was written -- doing
6 the handwritten statement.

7 Q And so she was initially interviewing him to
8 learn what information he could provide in writing down
9 his answers; is that correct?

10 MS. BITOY: Objection, foundation, calls for
11 speculation. You can answer.

12 A Based on what I've read, she interviewed him a
13 couple times. I'm sure she -- I don't -- I can't speak
14 for what she knew and what she didn't know,
15 but I -- under my assumption, she already had an idea of
16 what he was going to say. But she did interview him one
17 more time prior to taking the handwritten statement.

18 Q So when you say she interviewed him
19 previously, you're talking about it at points prior to
20 you picking him up that day in May of 2002, correct?

21 A Based on the reports, yes.

22 Q Okay. But on that day when she came in to
23 interview him with you, that was the first time she was
24 interviewing him that day, correct?

25 A Yes.

MS. BITOY: Object to foundation. Sir, you can answer.

A Yes, that day.

Q And that's the first time you were interviewing him that day, correct?

A Yes.

Q Okay. In fact, let's pull up that handwritten statement. So we're -- we've got it in front of us. All right. I'm showing you the document I've marked as Exhibit 3. It's Bates stamp City-JF 161 to 163, and it says it's a statement of Terry Rogers. Do you see that, sir?

(EXHIBIT 3 MARKED FOR IDENTIFICATION)

A I do.

Q You're familiar with this document, correct?

A I am.

Q This is the document that was created based on your participation in an interview of Mr. Rogers at Area 5, correct?

A Correct.

Q And on the right-hand near the top of the page, on the right-hand side it says Detective Noradin. Do you see that?

A I do.

Q That's you, correct?

1 A Yes, it is.

2 Q That's your star number, correct?

3 A It is.

4 Q And is that you -- is that Detective Noradin
5 is written there, is that written by you or by somebody
6 else?

7 A That's written by the state's attorney.

8 Q Okay. And the handwriting on this page, whose
9 handwriting is it?

10 A The state's attorney.

11 Q And at the bottom of the page, there's some
12 signatures, correct?

13 A Bottom of page is my signature, Terry Rogers'
14 signature, and Jennifer Walker's signature.

15 Q Okay. And on the second page, the text of the
16 document is whose handwriting?

17 A Jennifer Walker.

18 Q And at the bottom of the page, are there some
19 signatures?

20 A Correct. Terry Rogers' signature, my
21 signature, and Jennifer Walker's signature.

22 Q Okay. And on page 3, the body of the document
23 contains the handwriting of who?

24 A State's Attorney Jennifer Walker.

25 Q Okay. And then there's some signatures on

1 this page, correct?

2 A Correct.

3 Q Okay. And whose signatures are there?

4 A Terry Rogers, myself, and Jennifer Walker.

5 Q And right at the end of the text before sort
6 of the X at the bottom of the page, one of those
7 signatures is yours, correct?

8 A I can't tell for sure.

9 Q Well, there's three signatures there, right
10 above the X, correct?

11 A Above the X, yes. Mine is number two.

12 Q Okay. So the -- so there's three signatures
13 there, and one of those is yours above the X, correct?

14 A Correct.

15 Q Okay. And then at the bottom of the page,
16 there's some additional signatures you see that?

17 A I can only see part of it. I can't see all of
18 it.

19 Q Okay. It appears to be partially cut off,
20 right?

21 A Correct.

22 Q Okay. Was it your practice to sign the pages
23 more than once or at the bottom of the page on the last
24 page?

25 A I believe it -- it was signed more than once

1 because there was a -- because of the X was placed in
2 there and we signed below the X. But I -- based on what
3 I see here, I can't definitively say.

4 Q Okay. This -- so obviously this document --
5 strike that. The information contained in this document
6 about what happened in relation to the Sorrell
7 investigation was written by Assistant State's Attorney
8 Walker, correct?

9 A Correct.

10 Q Okay. And Assistant State's Attorney
11 Walker -- strike that. Why wasn't this written out by
12 Mr. Rogers?

13 MS. BITOY: Object to foundation. You can
14 answer.

15 A It was the practice of the state attorney's
16 office that they wrote the handwritten -- they
17 wrote -- they did the handwritten statement.

18 Q Was Mr. Rogers asked to write out a
19 handwritten statement himself?

20 A I don't recall. I don't recall.

21 Q Was it your practice to ask individuals who
22 were giving incriminating statements to write out those
23 statements themselves in their own words?

24 MS. BITOY: Object to incomplete hypothetical.
25 You can answer.

A No.

Q Okay. Looking at this document, the information contained in the document, this was written out by Assistant State's Attorney Walker. Is that your testimony?

A Yes, it is.

Q And was it written out -- and your testimony, it was written out in front of Mr. Rogers, correct?

A Correct.

Q And so is -- as Mr. Rogers was being asked questions and giving answers, this statement was being written; is that right?

A Correct.

Q And so was this being written out contemporaneously as Mr. Rogers was being interviewed?

A Yes.

Q Okay. And so these are based -- are these his words or somebody else's words that are written on Exhibit 3?

A Those are his words. Based on what I can -- based on what I see, yeah, those are his words.

Q Okay. And is that consistent with your memory, that basically as you sat with Mr. Rogers, he gave you a description of what happened, and you-all just dutifully wrote it out?

MS. BITOY: Object to form. You can answer.

A Correct.

Q Okay. And did you ask any questions of Mr. Rogers during the course of that interview?

A Not that I recall, no.

Q And so all the questions were being asked by the state's attorney?

A Yes.

Q And how were the questions asked? Were they just open-ended questions, tell me what happened, or was it something else?

A It was open-ended questions.

Q Okay. And so what do you mean by open, it was open-ended questions?

A Basically, what you just said. She asked him -- she asked him what happened and he explained what -- what he saw.

Q Okay. So basically what happened -- when you went in for that interview of Mr. Rogers, the state's attorney came in and obviously read -- strike that. Did the state's attorney read him his rights?

A No.

Q Why not?

A He wasn't under arrest.

Q Okay. When the state's attorney provided

1 some -- did the state's attorney provide any preliminary
2 remarks to him when she first came in?

3 A I don't recall.

4 Q Did you provide any preliminary remarks to
5 Mr. Rogers?

6 A No, I don't recall that.

7 Q Okay. And then essentially Mr. Rogers was
8 asked what happened with regard to the trial
9 investigation and he told you what happened, correct?

10 A Correct.

11 Q And then she basically wrote that all out as
12 he was talking, correct?

13 A Correct.

14 Q Okay. And did she -- and then after that was
15 done, was Mr. Rogers given an opportunity to review the
16 statement?

17 A He was.

18 Q And was that -- was it given to him to read,
19 or was it read to him?

20 A Yeah, I believe it was read to him based on
21 what the -- based on what the handwritten says.

22 Q Okay. And so basically what was written in
23 the handwritten statement was read to Mr. Rogers,
24 correct?

25 A Correct.

Q And you were present for that, correct?

A Correct.

Q And what was written on the handwritten statement as it was read to him, did it sound to you like the exact same thing that Mr. Rogers had just said to you while he was being interviewed?

A Yes.

Q Okay. And so as you -- as the handwritten statement was being read to Mr. Rogers, it reflected Mr. Rogers's words; is that right?

A It reflected what he said.

Q Okay. And was it paraphrased or rephrased as the state's attorney wanted or was it actually the things that he was saying?

MS. BITOY: Just going to object to foundation.

You can answer.

A It was what he was saying.

Q And were the things that he said during the course of that interview that was left out of the handwritten statement when you heard it being read?

A No.

Q All right. And why did you participate in this interview of Mr. Rogers?

A I was asked by Detective Schalk and Bogucki to sit in on the handwritten statement.

1 Q You hadn't previously participated in any
2 interviews of Mr. Rogers?

3 A I had not.

4 Q But Mr. Bogucki and Mr. Schalk had, correct?

5 A Correct.

6 Q You had reviewed you had familiarized yourself
7 with the investigation up to that point, correct?

8 A Correct.

9 Q So you knew that they had interviewed
10 Mr. Schalk -- strike that. You knew that they had
11 interviewed Mr. Rogers on several occasions, correct?

12 A Correct.

13 Q Okay. And so in the typical course, would
14 they have been the ones to sit in for the handwritten
15 statement?

16 MS. BITOY: Object to foundation. You can
17 answer.

18 A They could have, yes.

19 Q Okay. And do you have any understanding of
20 why they asked you to do it instead of them?

21 A I don't.

22 Q Okay. Was Mr. -- what was Mr. Rogers's
23 demeanor during the course of this interview with him
24 resulting in the handwritten statement on May 8, 2002?

25 A I don't recall.

1 Q Well, was he acting erratically or bizarre in
2 any way?

3 MS. BITOY: Objection foundation.

4 A Not that I recall, no.

5 Q Was there anything unusual about his behavior?

6 MS. BITOY: Objection. Foundation.

7 A Not that I recall.

8 Q Was he hostile in any way?

9 A Not that I recall.

10 Q Was he cooperative?

11 A I believe he was cooperative. I don't have
12 independent recollection as I sit here right now
13 if -- but based on him -- the handwritten statement,
14 I believe he was cooperative.

15 Q Okay. And if he had been hostile, is that
16 something you would've noted?

17 A Yes.

18 Q Okay. And why would you have noted if a
19 witness was being hostile in the course of an interview
20 like this to prepare a handwritten statement?

21 A Because it would've been included. The
22 state's attorney would've included his -- him being
23 hostile and/or his attitude if he had an attitude in the
24 handwritten statement.

25 Q Okay. And why didn't you take -- you said

1 your practice was to take notes during the course of
2 interviews. Why didn't you take any notes during the
3 course of this interview?

4 A What -- what -- I reviewed Detective Schalk's
5 GPR, general progress report, prior to going into the
6 handwritten statement, and I remembered what it said.
7 There was no need for me to take notes.

8 Q And so is it your testimony that Mr. Rogers
9 was saying the exact same things he'd said to Mr. Schalk
10 in his general progress report?

11 A Yes.

12 Q Okay. By the way, had Detective Schalk
13 created any supplementary report related to his earlier
14 interview of Mr. Rogers?

15 MS. BITOY: Object to foundation. You can
16 answer.

17 A I believe it's part of the -- the actual last
18 report that was generated.

19 Q Okay. But that -- but at the point that you
20 were review -- before you went in to talk to Mr. Rogers
21 on May 8, 2002, that report hadn't been created. That
22 cleared open report referencing Mr. Rogers's interview
23 had not been created yet, correct?

24 A Correct.

25 Q Okay. So you didn't -- did you have any

1 supplementary report that documented Mr. Schalk's
2 earlier interview of Mr. Rogers?

3 A Other than his general progress report, no.

4 Q Okay. And did you have an -- do you have an
5 understanding about whether Mr. Bogucki or Mr. Schalk or
6 both of them conducted the interviews of Rogers before
7 May 2002?

8 MS. BITOY: Object to foundation. You can
9 answer.

10 A I know Rogers was interviewed by other
11 detectives prior to that, early on in the investigation.
12 And I believe it wasn't Detective Schalk or Bogucki at
13 that time, I believe it was somebody else.

14 Q Okay. In other words, on the original date of
15 the shooting, there was a Detective Fleming who was
16 involved in the investigation, correct?

17 A Correct.

18 Q And do you know Detective Fleming?

19 A I do not.

20 Q Did you ever work with him?

21 A I don't know him.

22 Q Okay. And so what you're noting is that when
23 you reviewed the file, you saw that Detective Fleming
24 had previously interviewed Mr. Rogers, correct?

25 A That's correct.

1 Q And by the way, when you familiarized yourself
2 with this investigation before going into the room with
3 Mr. Rogers on May 8, 2002, you review -- had reviewed
4 those earlier reports in the investigation going all the
5 way back to 1990, correct?

6 A Yes.

7 Q Okay. So you knew that there had been these
8 earlier interviews of Mr. Rogers on the day of the crime
9 itself, correct?

10 A Correct.

11 Q And you knew, excuse me, and then you said you
12 subsequently knew about the follow-up investigation that
13 had been conducted with Mr. Rogers leading up to
14 the -- to May 8, 2002, correct?

15 A Yes.

16 Q Okay. And so do you know, other than
17 Mr. Fleming -- strike that. Other than Mr. Fleming, you
18 were aware that Detectives Bogucki and Schalk had
19 continued this investigation in the period from 1995
20 through May of 2002, correct?

21 A Yes.

22 Q And you knew that they had interviewed
23 Mr. Rogers during the course of this period from 1995 to
24 2002, correct?

25 A Correct.

1 Q Okay. And do you know which of them
2 interviewed Mr. Rogers?

3 A I do not. You know what, let me -- let me
4 rephrase that. I know at least Detective Schalk did
5 because he has a general progress report in there.

6 Q And you don't know one way or the other
7 whether Mr. Bogucki also participated in that interview?

8 A I don't know that.

9 Q Okay. Was it their practice, in your
10 experience working with them, to interview witnesses
11 together or separately?

12 MS. BITOY: Object to foundation. You can
13 answer.

14 A I believe they did everything together.

15 Q Okay. And they were partners for a long time,
16 correct?

17 A Yes, they were.

18 Q How long did you work with Detective Bogucki
19 and Schalk?

20 A Maybe two years.

21 Q What was your opinion of Detective Bogucki?

22 A He's very knowledgeable and very
23 straightforward.

24 Q Did you ever see him engage in any type of
25 misconduct?

1 A No.

2 Q Did you ever see him cut corners?

3 A No.

4 Q What was your opinion of Detective Schalk?

5 A The same.

6 Q The same meaning what?

7 A The same as Detective Bogucki.

8 Q And what is that?

9 A Straightforward, knowledgeable.

10 Q What -- did you ever seen Detective Schalk
11 commit any kind of misconduct?

12 A No.

13 Q Have you ever seen Detective Schalk cut
14 corners?

15 A No.

16 Q Have you ever seen any Chicago Police
17 Department detective engage in any type of misconduct?

18 A No, not in my presence.

19 Q Have you ever reported any Chicago police
20 officer for engaging in any type of misconduct?

21 A I have not.

22 Q Are you aware of any Chicago police detective
23 ever accusing another Chicago police detective engaging
24 in misconduct?

25 MS. BITOY: Object to foundation. You can

1 answer.

2 A Not, not to my knowledge.

3 Q Are you aware of any Chicago police detective
4 ever reporting another detective for engaging in
5 misconduct?

6 MS. BITOY: Same objection. Answer.

7 A Not that I'm aware of.

8 Q Are you aware of any Chicago Police Department
9 detective sergeant -- when I say detective sergeant,
10 sorry, I mean a sergeant overseeing detectives. Let me
11 rephrase. Have you ever -- strike that. During the
12 course of your time, more than what two decades as a
13 homicide detective, have you ever seen an instance in
14 which a sergeant supervising detectives reported a
15 homicide -- strike that. In your two decades working as
16 a detective, have you ever seen a sergeant supervising
17 detective report a detective for engaging in misconduct?

18 MS. BITOY: Object to foundation. You can
19 answer.

20 A No, not my presence.

21 Q Are you aware of any instance in which a
22 sergeant supervising detectives reported a detective for
23 misconduct?

24 MS. BITOY: Objection. Foundation.

25 A No, not my presence.

1 Q Okay. Okay. When you went in for this
2 interview with Mr. Rogers on May 8, 2002, you were aware
3 that he was -- you had indicated that you had brought
4 him over from -- you say from Cook County Jail?

5 A That's correct.

6 Q Okay. And so he had been recently arrested;
7 is that correct?

8 A I believe so, yes.

9 Q Okay. And what was -- what he -- what had he
10 been arrested for; do you recall?

11 A I don't recall.

12 Q Okay. But in any event, when you went to pick
13 him up, you knew what he had been arrested for at that
14 time, correct?

15 A At that time, yes.

16 Q Okay. And at that time, was Mr. Rogers facing
17 criminal charges?

18 MS. BITOY: Object to foundation. You can
19 answer.

20 A If he was in custody at 26th and California,
21 yes, he was facing some type of criminal charges.
22 I just don't recall what they are right now.

23 Q Okay. But back at that time, you agree that
24 you were aware that he was facing criminal charges back
25 at -- before you went into interview him, correct?

A Yes.

Q Okay. And you were aware that Mr. -- and at that time, fair to say, you had an understanding of Mr. Rogers's criminal history as well, correct?

A Yes.

Q Okay. You understood that he's somebody who'd been arrested and convicted many times, correct?

A Correct.

Q And he was someone who had significant troubles with the law; fair to say?

A Fair to say.

Q Did he -- and he had multiple pending criminal cases going on at that time; is that fair?

A That, I don't know.

MR. SWAMINATHAN: Okay. Why don't we take a quick -- we've been going here almost an hour and a half here. Why don't we take a quick break? Is that -- does that make sense to everybody that need to use the bathroom?

THE WITNESS: Sure.

MR. SWAMINATHAN: Okay. We'll take five minutes.

COURT REPORTER: We are off the record.
The time is 11:24.

(OFF THE RECORD)

COURT REPORTER: We are back on the record for the deposition of Anthony Noradin being conducted by videoconference. My name is Sydney Little. Today is February 22, 2023, and the time is 11:46 a.m.

BY MR. SWAMINATHAN:

Q All right. Mr. Noradin, you have, fair to say, sat in on many instances in which a state's attorney takes a handwritten statement from a witness or suspect, correct?

A That's correct.

Q Okay. And is it fair to say that sometimes when the state's attorneys prepare handwritten statements, they prepare them outside of the room, away from the witness, and then bring it back in to show the witness? Does that happen from time to time, fair?

A That's --

MS. BITOY: Objection. Foundation and calls for speculation. You can answer.

A Not true.

Q Why is that not true?

A The handwritten is -- is -- has always been prepared in front of the witness as well as the lead detective, whoever is assigned, working the case.

Q Okay. And so you said the handwritten is always prepared with the state's attorney in the room,

1 as they're interviewing the witness?

2 A With the witness, yes.

3 Q Okay. And have you ever seen a handwritten
4 statement prepared outside the presence of the witness?

5 A I have not.

6 Q Okay. And is that -- strike that. Do you
7 have any -- strike that. You also said the handwritten
8 statement is prepared in the presence of the lead
9 detective, is that what you said?

10 A I see -- in -- in the presence of a witness,
11 which would be the -- the witness as well as a detective
12 working on the case.

13 Q Okay. And in this case, the handwritten
14 statement -- strike that. In this case, you
15 specifically remember that the handwritten statement
16 that was prepared by ASA Walker was prepared as she was
17 sitting with Mr. Rogers and you in the room, correct?

18 A Yes.

19 Q Okay. And looking again at Exhibit 3, the
20 Rogers statement, do you see on page 1 where it lists
21 Detective Bogucki and Detective Raymond Schalk, and
22 they're crossed out?

23 A Yes.

24 Q Do you know why their names were written here
25 and crossed out?

MS. BITOY: Object to foundation, calls for speculation. You can answer.

A I don't.

Q Had they been in the room at some point during the course of the Rogers statement being taken?

A This statement you're referring to, we're talking about on the handwritten?

Q Yes.

A No, not that I'm aware of.

Q Okay. Do you have any -- had Detective Bogucki and Detective Schalk participated in any way, in the interview you and ASA Walker did of Mr. Rogers?

A During this handwritten?

Q Yes.

A No.

Q Okay. And so do you have any understanding of why their names were written here by ASA Walker?

MS. BITOY: Same objection. Foundation and calls for speculation. You can go ahead.

A I don't know why.

Q Was a portion of this statement of Mr. Rogers filled out before you and ASA Walker began your interview?

A Not that I recall.

Q Okay. So all of the information contained in

1 Exhibit 3 was filled out while you were in the room with
2 Mr. Walker [sic]; is that correct?

3 A Yes.

4 Q I mean with Mr. Rogers, correct?

5 A Yes.

6 Q Let's take a look at a document I've marked as
7 Exhibit 4. All right.

8 (EXHIBIT 4 MARKED FOR IDENTIFICATION)

9 A I see it.

10 MS. BITOY: Yeah.

11 Q Are you able to see it on your screen here?

12 A Yes.

13 Q All right. I've shown -- I'm showing you a
14 document I've marked as Exhibit 4. It is a CPD
15 Supplementary Report, referred to as a Field
16 Investigation Cleared Open Report. It's Bates stamped
17 Fletcher 864 through 872.

18 A Yes.

19 Q This is a document you're familiar with,
20 correct, sir?

21 A Yes.

22 Q This is the Cleared Open Report from this
23 Sorrell homicide investigation, correct?

24 A Correct.

25 Q Okay. And you reviewed this in preparation

1 for today's deposition, correct?

2 A Correct.

3 Q Okay. I want to ask you just a little bit
4 about this report, and this type of report and how it's
5 created. So first of all, this is a typed report.
6 You agree with me?

7 A A portion of it is a typed report, yes.

8 Q Okay. And this is a report that you could
9 create in Chicago Police Department's computer systems,
10 correct?

11 A Yes.

12 Q Okay. And so was this a report that you
13 prepared in the CLEAR System?

14 A I didn't -- I did not generate this report.

15 Q Okay. Thank you for that clarification. Let
16 me put aside the question of whether you create -- about
17 whether you created this particular report. This is a
18 type of report that you have seen many times in your
19 career, correct?

20 A That is correct.

21 Q And this is a type of report that you filled
22 out regularly during the course of your career, correct?

23 A Correct.

24 Q Okay. And when you filled out reports like
25 these, you could fill them out in something called the

1 CLEAR System; is that right?

2 A Well, this is considered the CRIS system.

3 Q I'm -- thank you. Okay. So this report was
4 in the -- what was created in the CRIS system; is that
5 correct?

6 A Correct.

7 Q Okay. And so the CRIS system allowed you to
8 essentially create reports and then submit them; is that
9 right?

10 A Correct.

11 Q And you'd do all of that electronically,
12 correct?

13 A Correct.

14 Q Okay. And so CLEAR -- obviously as of May of
15 2002, the Chicago police detectives were using the CRIS
16 system to generate their reports, correct?

17 A Correct.

18 Q Okay. And so instead of sort of typing up
19 your reports and then signing them at the end, you would
20 just prepare them within the CRIS system, correct?

21 A Correct.

22 Q Okay. And so on the report itself, I take
23 it -- see where it lists, "Cleared Open Arrest and
24 Prosecution." Do you see that near the top?

25 A Yes.

1 Q Okay. And so did -- was the Cleared Open a
2 type of report that you could select within the CRIS
3 system?

4 A Yes.

5 Q Okay. So when you -- within the CRIS system,
6 you could create a report and then you could choose
7 which type of report you wanted to create, correct?

8 A Correct.

9 Q And what were different types of reports you
10 could choose within the CRIS system?

11 A There's a list of them. There's -- could be
12 suspended, it could be closed not criminal, it could be
13 arrest and -- clear closed arrest and prosecution,
14 suspended. There's -- there -- there's probably at
15 least ten of them, ten different choices.

16 Q Okay. Was there an initial, like, scene
17 report that you could create?

18 A Correct. There's a scene report. There's a
19 line-up report. There's a lab report.

20 Q Got it. Okay. And then some of the
21 information in these reports would be automatically
22 filled in when you chose to create a report within the
23 context of a single investigation, correct?

24 A Correct.

25 Q So for example, if you were creating a report

1 in the Sorrell investigation, the -- a lot of the
2 information on the top of page 1 of Exhibit 4 would
3 already be filled in for you, like related to the date
4 of the occurrence, and the address of the occurrence,
5 and so on, correct?

6 A That's correct.

7 Q Okay. So once the original report had been
8 created in the Sorrell investigation in the CRIS system,
9 the subsequent reports would have that same information
10 related to the investigation, correct?

11 A Correct.

12 Q Okay. All right. And then in this -- let's
13 see if I can do this. Working together. All right.
14 And then here in this second set of boxes on the report,
15 it identifies the reporting officers and approving
16 supervisors, correct?

17 A Correct.

18 Q Okay. And so here, it allows you to
19 identify -- it -- the report identifies who is
20 submitting the report, correct?

21 A Correct.

22 Q Okay. And in this case, who's listed for this
23 particular report in Exhibit 4?

24 A Raymond Schalk.

25 Q Okay. And then it also lists a primary

1 detective assigned as Jerome Bogucki. Do you see that?

2 A I do.

3 Q So what was the -- how were those fields used
4 in the CRIS system for reporting officer versus primary
5 detective assigned?

6 MR. BURNS: Objection. Foundation.

7 Q Go ahead.

8 A This -- this is -- Detective Bogucki --
9 basically what we -- what's called an inbox. Each one
10 of us as a detective have an inbox. So at some point or
11 another, Detective Bogucki was assigned this
12 investigation. And subsequent to that, Detective Schalk
13 is allowed to create reports that -- that is assigned to
14 Jerome Bogucki and vice versa. So if Raymond Schalk was
15 assigned this case, Jerome Bogucki would be able to
16 draft a report under -- under that RD number.

17 Q Okay. Got it. And so any detective could
18 essentially write a report as the reporting officer in
19 an investigation assigned to another detective, correct?

20 A That is correct.

21 Q Okay. So for example, if you could have
22 written a report in the Sorrell investigation as the
23 reporting officer, even though Bogucki had been assigned
24 the investigation, correct?

25 A That's correct.

1 Q Okay. And one of the things this report is
2 telling us is that the detective who was primarily
3 assigned to this investigation -- strike that. The
4 detective who was responsible as the primary detective
5 on the investigation was Jerome Bogucki, correct?

6 A Correct.

7 Q And in the CRIS system, every -- in every
8 homicide investigation had a primary detective who was
9 assigned, correct?

10 A Correct.

11 Q Okay. And what was the job of the primary
12 detective assigned to a homicide investigation?

13 A To maintain the -- control the investigation,
14 what reports were generated, and the progress --
15 and -- and the progress in which the investigation was
16 going.

17 Q When you say control the investigation, what
18 do you mean by that?

19 A I mean, if another detective had drafted a
20 report, the -- the -- the primary detective's going to
21 review that report to see what progress was made on it.

22 Q Okay. And so the -- was the primary detective
23 was responsible for ensuring that the investigation
24 proceeded, correct?

25 A Correct.

1 Q And the primary detective was responsible for
2 ensuring that any investigative leads were followed,
3 correct?

4 A Correct.

5 Q And those leads could be followed by other
6 detectives, but the primary detective was responsible
7 for making sure that those leads actually were followed
8 up on, correct?

9 A Correct.

10 Q And the primary detective was responsible for
11 ensuring that there was documentation of the steps that
12 were taken during the course of the investigation,
13 correct?

14 A Correct.

15 Q And the primary detective responsible for
16 maintaining the investigative file for that homicide
17 investigation?

18 A Correct.

19 Q And the primary detective responsible for
20 ensuring the disclosure of the information learned
21 during the course of the homicide investigation to
22 prosecutors and criminal defendants?

23 A Correct.

24 Q And in this particular investigation, it's
25 indicating that Mr. -- I'll strike that. It lists

1 approving supervisor. Do you see that?

2 A I do.

3 Q And in this case, obviously it's listed as
4 Anthony Wojcik. Do you see that?

5 A I do.

6 Q And what is the -- who is the approving
7 supervisor when the -- when listed on these CRIS
8 reports?

9 A That's the supervisor who reviewed the report.

10 Q And is that the supervisor who was the
11 day-to-day supervisor of the primary detective assigned,
12 or the reporting officer, or just which supervisor just
13 happened to be the one to approve the report?

14 A It could be a combination of all -- of all the
15 above.

16 Q Okay. So in this particular case, do you have
17 an understanding of why Mr. Wojcik was the approving
18 supervisor?

19 MS. BITOY: Object to foundation, calls for
20 speculation. You can answer.

21 A I believe he was the supervising sergeant at
22 the time.

23 Q Supervising sergeant over this investigation
24 or over Mr. Bogucki and Schalk?

25 A Over -- overall.

The Deposition of ANTHONY MORADEN, taken on February 22, 2023

1 Q Overall for all homicide detectives?

2 A Yes.

3 Q Okay. And was Mr. Wojcik a hands-on sergeant,
4 would you say?

5 MS. BITOY: Just object to form. You can
6 answer.

7 A No, I wouldn't say that.

8 Q Okay. Was Mr. Wojcik -- well, strike that.
9 He -- what shift did Mr. Wojcik work?

10 A We worked the afternoon shift, third watch.

11 Q That's third watch, correct?

12 A Yes.

13 Q Okay. And Mr. Wojcik worked third watch with
14 you, correct?

15 A Yes.

16 Q And so he -- oh, he supervised all of the
17 third watch violent crime detectives, correct?

18 A Correct.

19 Q Was he -- you know, was he a detective --
20 strike that. Was he a sergeant who would go out in the
21 field, to crime scenes?

22 MS. BITOY: Just object to foundation. You can
23 answer.

24 A Yes, he would.

25 Q Would he stay actively abreast of what was

1 happening in the various homicide investigations that
2 were ongoing?

3 MS. BITOY: Object to foundation and calls for
4 speculation. You can answer.

5 A I believe he would, yes.

6 Q When you had -- when you made progress in
7 investigations, were you expected to inform Sergeant
8 Wojcik about what had happened and what you -- what
9 had -- what developments had taken place?

10 A Well, Sergeant -- I mean, Sergeant Wojcik was
11 one of the -- just one sergeant there, but there
12 was -- there was multiple sergeants that we had to
13 report to. So it wasn't all on Sergeant Wojcik to follow
14 all the homicide investigations. So if he was to
15 follow-up on an -- if he was out on an investigation,
16 he would follow-up on it.

17 Q And did Sergeant Wojcik have an -- have any
18 involvement in the Sorrell investigation?

19 A Other than approving the reports? Not that
20 I'm aware of, no.

21 Q And you obviously -- there was a number of
22 things that happened as part of the Sorrell homicide
23 investigation before you got involved, correct?

24 A Correct.

25 Q Okay. Did you have any involvement in the

1 Sorrell homicide investigation before April 20, 2002,
2 when there were line-ups conducted?

3 A No.

4 Q Okay. Did you do anything as -- strike that.
5 Did you interview any witnesses as part of the Sorrell
6 homicide investigation prior to April 20, 2002?

7 A No.

8 Q Did you interview any witnesses related to the
9 Sorrell homicide investigation prior to participating in
10 the interview of Terry Rogers on May 8, 2002?

11 A No.

12 Q Now, this report lists the date submitted.
13 Do you see that?

14 A I do.

15 Q And in this case, it's May 21, 2002, 1651,
16 correct?

17 A Correct.

18 Q And so is that time is auto generated,
19 correct?

20 A Correct.

21 Q And so how does that time get auto generated?

22 A By the computer.

23 Q So when you -- and so what do you have to do
24 that causes that time to get listed in the report?

25 A Well, it says date submitted, so as soon as

1 you hit the submit button, it timestamps the date and
2 time.

3 Q Okay. So basically you have to hit -- there's
4 a button that you hit in the system that's called
5 Submit, and then that submits the report officially?

6 A That's correct.

7 Q Okay. And prior to that, there's some point
8 at which you first click a button to sort of create a
9 template report for you to fill in with information,
10 correct?

11 A Correct.

12 Q Okay. And in between those two points
13 is -- are there -- other than submitting the report, are
14 there -- is there anything else you can do after you've
15 generated a -- or sort of created a report?

16 A As -- as -- as to what? Adding information to
17 it?

18 Q Yeah, sorry, that's a poor question. So after
19 you've hit the button to create a report in the system,
20 then you basically have a mostly blank report into which
21 you're going to fill in information, correct?

22 A Correct.

23 Q And you fill that information in directly in
24 the system itself, right?

25 A Correct.

1 Q And can you then save that report without
2 submitting it?

3 A Correct.

4 Q And so you can -- you could -- you can save
5 the report and come back to it a day later, a week
6 later, whatever it is?

7 A Correct.

8 Q And can you edit and change the information
9 that you've already filled in?

10 A Correct.

11 Q Okay. And when you make those edits or
12 changes, are the prior versions stored in the system?

13 MS. BITOY: Object to foundation. You can
14 answer.

15 A Not that I'm aware of.

16 Q And then as you're -- if you're -- so
17 basically, you can -- there's a button that allows you
18 to essentially save the report, correct?

19 A Correct.

20 Q Okay. And after you save the report, you can
21 separately hit a button that submits the report to your
22 supervisor; is that right?

23 A Correct.

24 Q Okay. And when you submit the report -- and
25 up to the point that you submit the report, you can make

1 any changes you want to the report, correct?

2 A Correct.

3 Q And there's no record that keeps track of any
4 changes that are made, correct?

5 MS. BITOY: I'm going to object to
6 foundation --

7 MR. BURNS: Objection. Foundation.

8 MS. BITOY: Sorry.

9 A Not that I'm aware.

10 BY MR. SWAMINATHAN:

11 Q Okay. And then once the report is submitted,
12 can you make changes to the report?

13 A If -- if -- after it's submitted? The
14 sergeant would have to reject it for it to be -- to make
15 any changes.

16 Q Okay. So once it's submitted, it cannot be
17 edited unless something additional happens, correct?

18 A Correct.

19 Q Okay. And then for -- if -- so if there's
20 going to be some additional changes made to the report,
21 the sergeant would have to reject the report so that it
22 would then be open for you to make edits again, correct?

23 A Correct.

24 Q And then if the -- if -- at that point,
25 if it's -- you can resubmit the report after making

1 changes, correct?

2 A Correct.

3 Q Okay. And is there -- and then once the
4 report is resubmitted, it's again available to the
5 sergeant for approval; is that right?

6 A Correct.

7 Q Okay. And then after it goes to the sergeant
8 for approval, what happens?

9 A After the sergeant's approved it?

10 Q Yes.

11 A Then it goes into the -- it goes into the main
12 file.

13 Q When you say the main file, what are you
14 referring to?

15 A The -- the homicide file for that
16 investigation.

17 Q And is the homicide filed the investigative
18 file we've been talking about, or is it some other file?

19 A A homicide file -- investigative file.

20 Q It goes to the -- okay. So -- okay.
21 So once the report is approved by the sergeant, it can
22 then -- it -- it's then put into the investigative file;
23 is that right?

24 A That is correct.

25 Q And a copy is also then placed in the RD file,

1 correct?

2 A Define RD file.

3 Q Records division file or permanent retention
4 file, are those terms familiar to you?

5 A Yes, they are.

6 Q Okay. And --

7 A So what the file -- that file -- RD file
8 you're referring to and the investigative file are one
9 and the same.

10 Q The RD file and the investigative file are one
11 and the same. What do you mean by that?

12 A The same thing. I mean, whatever reports go
13 into the investigative file is the RD file.

14 Q Okay. So the RD file is the file that sits in
15 the detective division that the detective puts all his
16 notes and everything into, correct?

17 A That's also the investigative file.

18 Q Okay. So those are essentially two names for
19 the same thing, correct?

20 A Correct.

21 Q Okay. And then what is the permanent
22 retention file?

23 A Same thing.

24 Q Okay. Are you aware of there being any file
25 that's maintained at the Records' Division warehouse?

MS. BITOY: Object to foundation. Go ahead.

A Repeat the question, please.

Q Are you aware of there being any other file that's maintained for a homicide investigation at the Records' Division warehouse?

A There is homicide files maintained at the -- the warehouse, yes.

Q Okay. And what files are maintained there, different from the investigative file?

MR. BURNS: Objection. Foundation.

MS. BITOY: Join in that objection. You can answer.

A The files that are at -- that are at -- in storage at the warehouse are files at aren't actual homicide files.

BY MR. SWAMINATHAN:

Q Okay.

A So there's not two separate locations. It's -- the homicide file is maintained at the warehouse.

Q The same homicide file that's in detective division area?

A At some point -- for example, in this investigation, since it is clear closed, once all the reports are -- are compiled and put into the

1 investigative file, that whole file leaves the area and
2 goes to the warehouse.

3 Q And are you aware of there being any file that
4 was maintained, that contained the typed supplementary
5 reports of an investigation, separate and apart from the
6 investigative file, kept in the detective division area?

7 MS. BITOY: Object to foundation. You can
8 answer.

9 A No.

10 Q Okay. Okay. And so once a report was
11 approved by the sergeant, I take it, it could not be
12 edited at that point either, correct?

13 A That is correct.

14 Q Okay. When you submitted reports to the
15 sergeant through the CLEAR system by hitting the submit
16 button, would you also provide hard copies of those
17 reports?

18 A Yes.

19 Q Okay. And how would you go about doing that?

20 A After you hit the submit button, you would
21 print out a copy of the report and present it to the
22 sergeant for review.

23 Q Okay. So you had the ability to also print
24 the reports out of the CRIS system; is that right?

25 A Correct.

1 Q And when you printed them out of this CRIS
2 system, they basically looked like what's on our screen
3 now, Exhibit 4, correct?

4 A Correct.

5 Q Okay. And in fact, when you printed reports
6 out of the CRIS system, it made a notation of who
7 printed them at what time they printed them at the
8 bottom of the page, like we see on Exhibit 4, correct?

9 A That is correct.

10 Q Okay. And could you print out the reports
11 before they were submitted to the sergeant?

12 A Yes.

13 Q You could print out drafts of the reports too,
14 correct?

15 A Correct.

16 Q Would you ever print out drafts to show the
17 supervisor before officially submitting them to the
18 system?

19 A No.

20 Q Why not?

21 A I would -- I would submit a -- I would submit
22 the sergeant a submitted report for his review.

23 Q Through the system?

24 A Yes.

25 Q Would you ever submit drafts of those reports

1 in hard copy form?

2 A A draft? If it's a submitted report, I hand
3 him the submitted report.

4 Q So when you say submitted report, you mean
5 something that you've clicked submit in the CRIS system,
6 correct?

7 A Correct.

8 Q Okay.

9 A Where it would say -- it would say in the
10 upper left-hand corner, where it says, "Detective's supp
11 approval complete." It would say, "Detective supp
12 submitted."

13 Q Yes. Okay. And would you ever submit the
14 report -- and what would it say in that top corner
15 before you hit the submit button?

16 A "Preliminary."

17 Q I see. And could you -- and you could print
18 out the preliminary reports if you wanted to, correct?

19 A If I wanted to, yes.

20 Q Okay. And what were circumstances in which
21 you would print out the preliminary report before it was
22 submitted?

23 A There -- I -- I wouldn't have a circumstance
24 to print out a preliminary report.

25 Q Well, what about when you were working with

1 other detectives? Would you ever print out preliminary
2 reports to show them, to make sure all the information
3 is accurate?

4 MS. BITOY: I'm just going to object to
5 foundation. You can answer.

6 A No.

7 Q When you worked on homicide investigations,
8 would it sometimes be the case that you'd work on those
9 investigations with other detectives?

10 A I would confer with them if I learned -- if
11 there was an investigative lead in their investigation,
12 I would confer with them before I would draft anything.

13 Q Okay. What do you mean you would confer with
14 them before you drafted anything?

15 A That I -- that I conduct an interview with an
16 individual, or whatever the case may be, and this is
17 where I'm at with it, and this is what I'm going to
18 write in my report.

19 Q And so you would tell them what it is you were
20 going to write in your report before you wrote it;
21 is that right?

22 A Correct.

23 Q And why would you do that?

24 A Make them aware of what -- where -- where the
25 investigation stood.

1 Q Okay. And would there be times when they
2 would ask you not to write a report on information you
3 were sharing with them?

4 A No, I'd draft a report on everything.

5 Q Okay. And when you would inform them of
6 that -- strike that. Strike that. Were there times
7 when you would write a report based on information that
8 was not just investigation that you did, but an
9 investigation that was conducted by other detectives?

10 A Yes, I've done -- I've -- I've written reports
11 on other detectives' investigations.

12 Q Okay. And so if, in other words, they conduct
13 some investigative steps that you did not participate in
14 and then you'll write the report about it?

15 A If it was something associated with their
16 investigation that I conducted some type of
17 investigation on their report, I would draft a report.

18 Q Okay. I -- I'm not asking about whether it
19 was their investigation. I'm asking about whether it
20 was their investigative step. So in other words, would
21 you ever write a supplementary report for another
22 detective when the other detective interviewed a witness
23 rather than you?

24 A No.

25 Q Would you ever write an investigative --

1 strike that. Would you ever write a supplementary
2 report using another detective's notes of their
3 interview of a witness?

4 A Would I?

5 Q Yes.

6 A I would, yes.

7 Q Okay. So in other words, you may not have
8 participated in the interview, but you would still write
9 a report about what happened, using their notes?

10 A Yes.

11 Q Okay. And so it was appropriate within the
12 Chicago Police Department for a detective to write notes
13 -- to write a supplementary report of an interview they
14 didn't conduct, using another detective's notes,
15 correct?

16 MR. BURNS: Objection. Foundation.

17 MS. BITOY: Objection to foundation.

18 A That's a generality. Some people -- you know,
19 some people choose to write their own notes and
20 some -- I would -- I would write them off the -- the
21 detective's notes himself. And if I had any questions
22 in reference to his notes, I would talk to him
23 personally.

24 Q Okay. So you could write -- you would
25 sometimes write reports based on a different detective's

1 notes of an interview you didn't participate in, but
2 you'd confer with that detective before writing the
3 report, correct?

4 MS. BITOY: I'm just going to object to
5 foundation and incomplete hypothetical, but you can
6 go ahead and answer.

7 A Yes.

8 BY MR. SWAMINATHAN:

9 Q And would you give them an opportunity to
10 review what you'd written to make sure it was thorough
11 and accurate?

12 A Yes.

13 Q And how would you go about giving them an
14 opportunity to review it?

15 A Take a look at the -- look -- once I finished
16 the -- the -- the report, I could show it to them on the
17 computer.

18 Q Okay. And so they could look at it on
19 the -- they could look at the version you created on the
20 computer before you submitted it, correct?

21 A Correct.

22 Q And they could -- you could also print out a
23 copy and give it to them to look at, correct?

24 A Oh, I could, sure.

25 Q Would you do that from time to time?

A No.

Q So you'd never print out preliminary versions of your reports?

A No.

Q Did other detectives ever print preliminary versions of the reports to show you, to make sure they were accurate?

MS. BITOY: Just objection to foundation.

You can answer.

A I don't -- I -- I think I've looked at a couple that were preliminary, yes.

Q And when you listed other detectives as -- on your reports, would you give them an opportunity to review those reports before submitting those reports?

A Well, generally if I'm working on an investigation, they're usually with me when I put their name on the bottom of the report.

Q Okay. So instances when you put a detective's name on a report that you're submitting is because that detective participated in what you were doing, that's documented in the report?

A That is correct.

Q Okay. And that was your practice, correct?

A Correct.

Q And if you wrote up the report based on what

1 had occurred or what -- strike that. If you wrote up
2 the report, would you give that other detective an
3 opportunity to review it before submitting it?

4 A Yes.

5 Q Okay. And how would you do that?

6 A Look at the computer.

7 Q Okay. And when other detectives put your name
8 on their reports, as participating in that
9 investigation, would they give you an opportunity to
10 review it before they submitted it?

11 MS. BITOY: Objection. Foundation. You can
12 answer.

13 A Yes.

14 Q Okay. And so looking for example at Exhibit
15 4, Exhibit 4 was -- says it was submitted by Raymond
16 Schalk, correct?

17 A Correct.

18 Q And it lists on the last -- on page 8, it
19 lists that it's the report of Schalk, Bogucki, and
20 yourself, correct?

21 A Correct.

22 Q Okay. And so were you given an opportunity to
23 review this report before it was submitted?

24 A I don't recall reviewing it before it was
25 submitted.

1 Q And so are you saying that did not happen or
2 you're saying you just don't remember it?

3 A I just don't remember it.

4 Q Okay. And the common practice would've been
5 that if your name was being included on a report, you
6 would've reviewed it first, correct?

7 A I would've reviewed -- my -- that's my
8 practice. I don't know what other -- what other
9 detective practices were. However, if I had something
10 to do with part of the investigation and a detective
11 added my name to it, then that -- my name would be on
12 the bottom of the report.

13 Q And if your name was added to the bottom of
14 the report, would you typically have had a chance to
15 review that report before it was submitted?

16 A No, I would not -- it -- it doesn't happen in
17 every case.

18 Q Okay. In this case, do -- can you say one way
19 or the other, whether you reviewed this report before it
20 was submitted, Exhibit 4?

21 A I don't recall reviewing this report before it
22 was submitted.

23 Q Okay. And do you know why you were included
24 on this report?

25 A Do I know why it was included in this report?

1 Q Yes.

2 A Because I did participate a little bit in this
3 report.

4 Q Okay. And so what portions of the
5 investigation did you -- did you participate in, that
6 are documented in this report?

7 A The handwritten statement of Terry -- Terry
8 Rogers.

9 Q Okay. And on this report, it refers
10 repeatedly to the R/DETs, which stands for reporting
11 detectives, correct?

12 A Correct.

13 Q Okay. And who are the reporting detectives
14 listed on this report?

15 A Detective Schalk, Detective -- Detective
16 Bogucki, and myself.

17 Q Okay. And back in 2002, were you-all using
18 e-mail in the Chicago Police Department?

19 A Not that I recall.

20 Q There was a point when you began using e-mail
21 in the Chicago Police Department, correct?

22 A Yes.

23 Q Okay. And around when did you start using
24 e-mail?

25 A I don't recall.

1 Q Did you -- was it in -- was it before 2010 at
2 some point that you started using e-mail?

3 MS. BITOY: I'm going to object to foundation.

4 A I don't recall.

5 Q And would you ever submit reports through
6 e-mail?

7 A No.

8 Q Did you ever use e-mail to track investigative
9 progress in any of your cases?

10 MS. BITOY: Just object to form, vague and
11 ambiguous, but you can answer.

12 A Not that I recall.

13 Q And to this day, you continue to work on
14 homicide investigations, correct?

15 A I do.

16 Q And when you work on homicide investigations,
17 do you document them in supplementary reports?

18 A I do.

19 Q And you're no longer using the CRIS system,
20 correct?

21 A I do use the CRIS system.

22 Q Okay. CRIS system is still used to this day
23 to document homicide investigations, correct?

24 A Yes.

25 Q Okay. And do you ever communicate information

1 about the progress in homicide investigations through
2 e-mail?

3 A No.

4 MS. BITOY: Object to the foundation.

5 A No.

6 Q Okay. So other than oral communications, what
7 written mechanisms would you use -- do you use to
8 communicate information about a homicide investigation
9 at present?

10 A Communicate with who?

11 Q With other detectives.

12 A Well, if I'm working on another detective's
13 investigation, I'm speaking with him face-to-face.

14 Q Okay. And so you don't -- you wouldn't -- you
15 don't ever use notes or to/from memos or other means of
16 communicating with other detectives?

17 A No.

18 Q Have you ever written a to/from memo?

19 A Not that I recall.

20 Q Okay. Did you ever use cell phones or
21 Blackberry devices back in 2002?

22 A I mean, I had a cell phone, but I don't -- I
23 don't -- what's -- what do you mean by devices?

24 Q I mean, did you use a cell phone back in 2002?

25 A Yeah.

1 Q Did you have a Blackberry in 2002?

2 A I don't recall about having a Blackberry.

3 Q Would you use your cell phone ever to
4 communicate about investigations back in and around the
5 time of 2002?

6 A I don't recall.

7 Q Would you text other detectives about
8 something you'd learned while you were out on
9 investigation?

10 MS. BITOY: I'm going to object to foundation.
11 You can answer.

12 A Not that I recall, no.

13 Q You could communicate with other detectives
14 back in 2000, through your computer terminals in your
15 cars, correct?

16 A Well, in the detective division, we don't have
17 computers in the cars.

18 Q Okay. Hang one second. Sorry. Okay. Once a
19 report is submitted and approved, obviously you could
20 still print reports at any point throughout the process,
21 correct?

22 A Rephrase that question because I -- kind of
23 confusing.

24 Q You could print reports out of the CRIS system
25 at any point, correct?

1 A You can only print out a CRIS system report if
2 it's either in submitted status or approved status.

3 Q Well, you were -- I thought you said you were
4 able to print out preliminary versions of the reports as
5 well.

6 A Well, if it's somebody else's investigation
7 and I -- and they draft the report and it's in
8 preliminary, I can't look at it.

9 Q I see.

10 A That's why I asked you to be specific.

11 Q Okay. So you can't see the -- a report that's
12 in a preliminary status from another detective unless
13 they show it to you on their screen, correct?

14 A Correct.

15 Q Or they print it out themselves and show it to
16 you?

17 A Correct.

18 Q Though once a report is submitted, then you
19 can see all the reports for a case, even if it's not a
20 report you created, correct?

21 A Correct.

22 Q Okay. So once a report is submitted, any
23 detective in the homicide division can see any of the
24 other reports from that investigation, right?

25 A Correct.

1 Q And you could print them -- you could print
2 any other reports that have been submitted by other
3 detectives, correct?

4 A They can be printed but cannot be edited.

5 Q Okay. And if you're a lead detective on
6 the -- strike that. If you're the primary detective
7 assigned, could you see the preliminary reports being
8 created by other detectives?

9 A I can see that there was a report generated by
10 another detective, but I cannot view it.

11 Q In other words, you'll see that someone opened
12 up a new type of report, but you can't see the actual
13 content of the report, am I understanding correctly?

14 A That is correct, unless it's submitted or
15 approved.

16 Q Okay. One second. Sorry. Okay. And then
17 would you ever send, you know, portions -- sorry. Would
18 you ever use e-mail to send portions of what you were
19 going to include in a report or the contents of what you
20 include a report before you actually put it into the
21 report and submitted it?

22 MS. BITOY: Object to form and foundation.

23 You can answer.

24 A No.

25 Q Okay. Would you ever send e-mails to say,

1 "Hey, here's what I'm planning to include in the report.
2 Is this accurate? Should I include this?" Before that
3 included in your report?

4 MS. BITOY: I'm going to object again to
5 foundation. You can answer.

6 A No.

7 Q Okay. Why not?

8 A Because I don't -- I don't send anything like
9 that through e-mail. I have the detective look at it.

10 Q Okay. All right. Let me go back. You said
11 you had participated, of course, in the interview of
12 Terry Rogers, correct? In May 2002?

13 A Correct.

14 Q Okay. I'm showing you a General Offense Case
15 Report. It's dated February 11th. It says date
16 and -- date of occurrence, February 11, 2002. Do you
17 see that?

18 A I do.

19 Q Okay. And it lists the offender as Terry
20 Rogers. Do you see that?

21 A I do.

22 Q Okay. So back around February 11, 2002,
23 Mr. Rogers was arrested in relation to an event that
24 occurred at 227 South Central Street. Do you see that?

25 A I do.

1 Q Okay. And he was charged with criminal
2 trespass, correct?

3 A I mean, that's the heading on the -- on
4 the -- on the general offense case report. If that's
5 what he was arrested for, that's what he could
6 have -- he could have been arrested for.

7 Q Okay. Did you -- when you spoke to him in May
8 of 2002, you indicated that, of course, you were aware
9 that he'd had -- he had various pending criminal issues,
10 correct?

11 A I was aware he was in custody at 26th and
12 California when I brought him out to do the handwritten
13 statement in May.

14 Q Okay. Were you aware of this February 2002
15 arrest?

16 A I don't recall this, no.

17 Q Okay. And if you look on page 2 of this
18 report, it indicates that his name check revealed there
19 was an Investigative Alert Number 95376 in reference to
20 a homicide which occurred at 15 West Madison.
21 That's -- in other words, he was -- there was an
22 investigative alert for him to be interviewed on the
23 Sorrell investigation, correct?

24 A That's correct.

25 Q Okay. And then it indicates, "Additionally,

1 name check further revealed subject to have an
2 outstanding warrant under" -- it's hard to read that.
3 "W00H5728 for dangerous drugs." Do you see that?

4 A Yes, I do.

5 Q Okay. And so he was wanted on a separate
6 issue different from the homicide investigation,
7 correct?

8 A Yes.

9 Q Okay. And did you know anything -- do you
10 have any knowledge about the dangerous drugs warrant
11 that he had outstanding?

12 A I do not.

13 Q Okay. And then it also lists here that,
14 "Reporting officers contacted Donald and Lee, who
15 confirmed the hit and gave the reporting officers a hold
16 number of H05144 for Cook County Sheriff's Department."
17 Do you see that?

18 A I do.

19 Q What does that refer to? Is that referring to
20 one of those two earlier, the investigative alert for
21 the Sorrell investigation or for the outstanding
22 warrant, or is that something else?

23 A That's in reference to the outstanding
24 warrant.

25 Q Okay. I see. Okay. And so did you have

1 knowledge of these various allegations, these -- the
2 dangerous drugs warrant for Mr. Rogers at the time you
3 interviewed him in May of 2002, or do you not know what
4 information you had about this?

5 A I don't know anything about this.

6 Q So are you able to say that you know from
7 memory that you did not know about this at the time you
8 met with him in May of 2002?

9 A I know he -- I knew he was arrested based on
10 the investigative alert, based on the reports that I've
11 read.

12 Q Okay. And you didn't know that he had been
13 arrested in February of 2002 in relation to an -- to a
14 possible charge of criminal trespass; is that correct?

15 A That I don't know. I -- I just -- like I
16 said, I knew he was arrested. I didn't know what he was
17 arrested for. The investigative alert basically popped
18 when he was arrested, and he was interviewed at that
19 time. That's based on the -- what I read on the
20 reports.

21 Q And did you know that at the time in February,
22 2002 when he was arrested, that Bomb and Arson had been
23 involved in the investigation?

24 A No, I did not.

25 Q And were you aware that when he was arrested

1 at that time, he'd been found in possession of rags,
2 paper towels, and six packs of matches?

3 MS. BITOY: Object to foundation. You can
4 answer.

5 A I did not.

6 Q Okay.

7 COURT REPORTER: Did you want to mark that or
8 were you just referring to it?

9 MR. SWAMINATHAN: Oh, let's mark that as
10 Exhibit 5. I must have forgotten to do that. Let's
11 mark that Exhibit 5, please. And I'll just -- I'll
12 put on the record what we're looking at here.

13 (EXHIBIT 5 MARKED FOR IDENTIFICATION)

14 BY MR. SWAMINATHAN:

15 Q All right. The document we've been referring
16 to is marked as Exhibit 5. It is a little hard
17 to -- it's a General Offense Case Report related to
18 February 11, 2002, date of occurrence, RD Number
19 HH181 -- 1H181765. The Bates number appears to be
20 Fletcher 432. Yeah, through 433. Thank you. Okay. One
21 second. Showing now a document we'll mark as Exhibit 6.
22 This is CCSAO, Conflicts, et cetera, et cetera. CIU 93
23 through 112. And the top page -- the first page
24 indicates that it is a Chicago Police Department
25 Criminal History Report. You're familiar with this type

1 of document, correct, sir?

2 (EXHIBIT 6 MARKED FOR IDENTIFICATION)

3 A I am.

4 Q Did you review it in preparation for this
5 deposition?

6 A I did.

7 Q Okay. And so you reviewed this criminal
8 history report for Mr. Rogers, correct?

9 A I did.

10 Q Okay. And when you reviewed this criminal
11 history report, did it refresh your recollection about
12 information you knew back at the time of your
13 involvement in the Sorrell homicide investigation?

14 A I just -- I just skimmed through it. I didn't
15 look that closely at it.

16 Q Okay. But this report is -- criminal history
17 report is consistent with your -- with your
18 understanding back at the time of the Sorrell homicide
19 investigation, that Mr. Rogers was somebody who had a
20 lot of interactions with the police, correct?

21 A That's correct.

22 Q And he was somebody who you knew who had a
23 long criminal history, correct?

24 A Correct.

25 Q Okay. And in your experience working as a

1 homicide detective, did you have different tactics or
2 techniques that you used with individuals who had a
3 significant experience with law enforcement?

4 MS. BITOY: Objection to form and foundation.

5 You can answer.

6 A No.

7 Q Did you have witnesses who you would interview
8 who would try to get you to do them some favors or help
9 them with their own criminal issues if they cooperated
10 in your investigations?

11 MS. BITOY: Object to form and foundation.

12 A No.

13 Q Had you ever had an instance in which somebody
14 offered to cooperate or say what you wanted them to say
15 if you could assist them in their own criminal risks?

16 MS. BITOY: Objection. Foundation.

17 A No.

18 Q Have you ever had any instance in which you
19 have made any offer to a witness or suspect that you
20 would assist them in their -- on their criminal issues
21 if they cooperated in your investigation?

22 A No.

23 Q Have you ever offered any kind of promise or
24 deal to a witness or suspect to obtain their cooperation
25 in a criminal -- in a homicide investigation?

MS. BITOY: Object to form.

A No.

Q Did you ever offer Mr. Rogers an opportunity to avoid criminal charges on any of his cases if he assisted in your homicide investigation?

A No.

Q Do you know if anyone did?

A Not that I know of, no.

Q Okay. Do you know whether Mr. Bogucki and Schalk did during the course of their conversations with him?

A Not that I know of, no.

Q And are you saying that because you have personal knowledge of what occurred during the course of those interviews between Mr. Bogucki and Schalk and Mr. Rogers?

A I don't have personal knowledge of their interaction other than what I've reviewed on -- on their GPR.

Q Okay. In other words, they don't say anything in their GPR about admitting that they made any kind of deal with Mr. Rogers; is that correct?

A Correct.

Q And if any kind of offer or promise was made to Mr. Rogers related to his own criminal charges, that

1 should have been documented, correct?

2 MS. BITOY: Object to foundation. You can
3 answer.

4 A I would think yes.

5 Q Okay. And according to this criminal history
6 report in Exhibit 6, it identifies that Mr. Rogers was
7 arrested on February 11, 2002, for criminal
8 trespass -- criminal trespass to residence. Do you see
9 that?

10 A I do.

11 Q Okay. And that was the arrest we just looked
12 at a moment ago, correct?

13 A Correct.

14 Q And you didn't have -- it sounds like you
15 didn't have any involvement with that February 11, 2002,
16 arrest, correct?

17 A No.

18 Q And you're aware that in your review of the
19 materials, as you have indicated that he was then
20 transferred over to Area 5 to be interviewed by
21 Detective Bogucki and Schalk after that arrest, correct?

22 A I believe, yes.

23 Q Okay. And did you have any involvement in
24 those interviews of Mr. Rogers immediately after his
25 arrest for criminal trespass?

A No, not that I recall.

Q Do you have any knowledge about what the disposition was of Mr. Rogers's arrest for criminal trespass in February of 2002?

A I do not.

Q Okay. Do you know how he was able to obtain his release after that arrest for criminal trespass?

MS. BITOY: Object to foundation.

A I do not.

Q And then it indicates that subsequently on May 6, 2002, he was again arrested, this time on charges of possession of less than 15 grams of heroin and says, "Soliciting unlawful business." Do you see that?

A I do.

Q Okay. And so when he was arrested again in May of 2002, did you have knowledge of those particular charges against him?

A I did not.

Q Okay. So you -- so other than the fact that he had been arrested and was being held at Cook County Jail, you did not know any details of what those arrest charges were?

A No, I don't -- I don't know the circumstances of why he was being held.

Q Okay. Can you do anything to find out what

1 the circumstances were of why he was being held?

2 A Not that I recall, no.

3 Q Did you -- so they -- as it stood as of
4 May the 8th of 2002, when you were interviewing
5 Mr. Rogers, you understood that he was facing some
6 criminal charges, correct?

7 A Yes.

8 Q And did you take any steps to ensure that
9 Mr. Rogers wasn't going to just simply feed you
10 information you wanted to hear in hopes that you'd go
11 easy on him?

12 MS. BITOY: Object to form.

13 A After reviewing the reports and the GPRs,
14 what he had provided to AS -- assistant state's attorney
15 Jennifer Walker was consistent with what he had said in
16 the past.

17 Q Did you have any -- and when you say it was
18 consistent what he'd said in the past, is that the kind
19 of thing that you would assess as a homicide detective
20 to assess whether or not you found what a witness was
21 telling you was believable?

22 A Yes.

23 Q And in fact, as a homicide detective, fair to
24 say that witnesses and suspects sometimes lie to you?

25 A Absolutely.

1 Q And so as a homicide detective, you have to be
2 constantly assessing whether the information that's
3 being provided to you by a witness is accurate, correct?

4 A Correct.

5 Q And what are some of the things you do to
6 assess whether or not the information being provided to
7 you by a witness is accurate?

8 A Based on what that witness says, based on
9 other witnesses we're also interviewed in an
10 investigation.

11 Q And if the -- what the information the witness
12 is providing you is consistent with, you know, physical
13 evidence, for example, you might take that -- you might
14 find that to be an indication that the information is
15 truthful, correct?

16 A Correct.

17 Q And if the witness is providing you with
18 information that's contrary to what you know of the
19 physical evidence in the crime scene, that would be an
20 indication that they're not being truthful, correct?

21 A Correct.

22 Q And a -- if a witness was giving you changing
23 stories about what happened, then you'd have an
24 indication that this is a witness who may not be
25 truthful, correct?

A Changing versions, you mean?

Q Yes. Changing versions of the story.

A Depends what the change is.

Q Yeah. Tell me. Tell me what you mean by that.

A I mean, you can say the sky was, you know, pink that day, but it really was blue.

Q Okay. If a witness is changing their story about what they saw and -- strike that. A witness is changing their story about what they saw during the course of a crime, that could be indication that the person's not being truthful, correct?

MS. BITOY: Object to foundation, incomplete hypothetical. You can answer.

A If a witness is giving information that he provided, you know, 20 years, you know, in excess of 20 years ago, and coupled with the other witness of -- interviews of other witnesses, and it maintained the same observations at that time, people's memories do diminish over time. He may not -- that person may not remember everything that they saw, but they remembered certain things that they saw.

Q Okay. So if a witness memory wasn't as detailed as it was previously, that may not be an indication that they're being untruthful. Just may be

1 an indication they don't remember as well, fair?

2 A That's fair.

3 Q And if a witness is providing you with
4 information that is contradictory to information they
5 provided previously, that would be the kind of thing
6 that would cause you to have at least some pause,
7 correct?

8 A Correct.

9 Q And if a witness was giving you information
10 that was contrary to information they'd given you
11 previously, what kind of things would you do to
12 follow-up on that?

13 MS. BITOY: Object to incomplete hypothetical,
14 and foundation.

15 A Confront him with the inconsistencies.

16 Q Okay. And in this case, were there any
17 inconsistencies that you confronted Mr. Rogers with?

18 A Not that I recall, no.

19 Q Are you -- well, there were some -- were
20 there -- strike that. Were there any inconsistencies in
21 what Mr. Rogers was telling you compared to what he'd
22 said in the past?

23 A No.

24 Q Okay. And if there had been inconsistencies,
25 that would've been something that causes you pause,

1 correct?

2 A Yes.

3 Q Okay. And if there had been inconsistencies
4 that caused you to have pause, you might've taken some
5 steps to try to follow-up and understand why this person
6 was telling you different things, correct?

7 A Correct.

8 Q And ultimately in this case, you didn't find
9 there to be any inconsistencies involving Mr. Rogers's
10 prior statements, correct?

11 A No.

12 Q And you found him to -- and as a result,
13 you found him to be believable, correct?

14 A Yes.

15 Q And in fact, that there had been
16 inconsistencies in what he had said previously compared
17 to what he was saying when you interviewed him in May of
18 2002, that might have had some impact on whether you
19 thought he was believable, correct?

20 MS. BITOY: Object to the form. Misstates his
21 prior testimony. You can answer.

22 A Can you repeat that question, please?
23 You broke up a little bit.

24 Q If you had noticed any inconsistencies in what
25 Mr. Rogers was telling you in May of 2002 compared to

1 what he had said previously, that could have had some
2 impact on whether you found him believable, correct?

3 A I would've questioned it -- if there was some
4 type of inconsistency, I would've questioned him about
5 it.

6 Q Okay. And in this case, you didn't question
7 him about any inconsistencies, correct?

8 A Correct.

9 Q And in this case, did you take any steps to
10 ensure that Mr. Rogers wasn't just telling you what you
11 wanted to hear given his other pending criminal charges?

12 MS. BITOY: Object to form. You can answer.

13 A Based on the information that I've read from
14 the other witnesses, and based on the information that
15 he provided, it was consistent.

16 Q Okay. And if Mr. Rogers was providing you
17 with inconsistent information and was behaving in a
18 hostile manner, is that information that you might have
19 taken into consideration about whether he was
20 believable?

21 MS. BITOY: Object to incomplete hypothetical.

22 You can answer.

23 A Define hostile. I don't -- I don't -- I'm
24 not -- I don't understand.

25 Q Yeah. I mean, you've sometimes used the term

1 hostile witness, correct?

2 A I personally haven't, no.

3 Q Okay. And so if a witness is being hostile,
4 in other words, a witness is being extremely angry,
5 extremely upset, a witness is telling you they don't
6 want to talk to you, is that information that you take
7 into consideration as you're deciding whether this
8 person is believable or not?

9 A The person doesn't want to talk to me, I'm not
10 going to force the issue.

11 Q Okay. And so the witness is being hostile,
12 that's a situation in which you would essentially
13 terminate the interview?

14 A Correct.

15 Q Okay. And why is it that if a witness is
16 being hostile, you would -- why is it that you would
17 terminate the interview rather than continue it?

18 A Because they may not give you the proper
19 information that you're looking for.

20 Q Okay. In other words, they may not give you
21 truthful information.

22 A Correct.

23 Q Because as a homicide detective, you weren't
24 interested in just getting whatever information somebody
25 told you. You wanted truthful information, correct?

1 A Correct.

2 Q As a homicide detective, your goal was not to
3 close cases, it was to actually solve the cases by
4 finding the person who had actually committed the crime,
5 correct?

6 A Yes, that's correct.

7 Q And so if a witness was being hostile,
8 you'd have some concern that they may just be saying
9 untruthful things rather than things that are actually
10 truthful and are going to help you find the person who
11 really committed the crime, correct?

12 MS. BITOY: Again, object to foundation.

13 Incomplete hypothetical. You can answer.

14 A Correct.

15 Q I going to ask you about some aspects of the
16 investigative file here. We mark these one by one.
17 So did you have any partners that you worked with during
18 the time you were working as a homicide detective in
19 Area 5?

20 A Yes.

21 Q Who were your partners?

22 A Detective Jim Kelly.

23 Q Who else?

24 A Detective -- pardon me?

25 Q Yeah, sorry, who else?

1 A Detective Falk.

2 Q Who else?

3 A At Area 5?

4 Q At Area 5. Yes.

5 A Those -- just those two.

6 Q And then did you have -- during the -- in
7 2002, during the course of your involvement in this
8 homicide investigation, did you have any partners?

9 A I was, like, the third person with Detective
10 Bogucki and Detective Schalk.

11 Q Okay. So you -- so it was sort of a
12 three-person team?

13 A Yes.

14 Q Okay. Explain how that worked.

15 A There was three -- there was a three-man team
16 versus two-man teams.

17 Q And would you guys be out in the cars together
18 typically then?

19 A Typically, yes.

20 Q Okay. And were you junior to them?

21 A Yes.

22 Q Okay. Did you -- did they train you?

23 A Yes.

24 Q Okay. And so was it considered part
25 of -- strike that. So part of why you rode with them

1 was because they were more senior homicide detectives;
2 is that right?

3 A Correct.

4 Q And I take it there's a lot of on-the-job
5 training, correct?

6 A Correct.

7 Q And would they -- and you -- you'd learned
8 from them about how to go about conducting homicide
9 investigations, correct?

10 A Correct.

11 Q And the various techniques and tools that they
12 use in conducting homicide investigations were things
13 that they would pass on to you, correct?

14 A Correct.

15 Q Okay. Their techniques for conducting
16 interrogations, would you learn from them in terms of
17 how they went about conducting interrogations?

18 A Yes.

19 Q And would you learn from them in how they went
20 about conducting interviews of witnesses?

21 A Yes.

22 Q And did you learn from them in terms of how
23 you went about conducting identification procedures?

24 A Yes.

25 Q Did you learn from them in terms of how you

1 went about taking notes?

2 A Yes.

3 Q Did you learn from them in terms of how you
4 went about documenting in supplementary reports,
5 your investigation?

6 A Yes.

7 Q Okay. Showing you a document I've marked as
8 Exhibit 7, it's Bates stamped City-JF 19. Do you
9 recognize any of the handwriting on this page?

10 (EXHIBIT 7 MARKED FOR IDENTIFICATION)

11 A I do not.

12 Q Okay. Is any of that handwriting yours?

13 A No.

14 Q Okay. Showing you a document I've marked as
15 Exhibit 8, City-JF 22. Do you recognize that
16 handwriting?

17 (EXHIBIT 8 MARKED FOR IDENTIFICATION)

18 A I don't see it.

19 Q Oh, I got to share my screen here. You see
20 the screen now?

21 A I do. And I do not recognize it.

22 Q Okay. And so that's not your handwriting?

23 A It is not.

24 Q Okay. Showing your document I've marked as
25 Exhibit 9. Do you recognize that handwriting?

(EXHIBIT 9 MARKED FOR IDENTIFICATION)

A I do not.

Q And do you know whose handwriting that is?

A I do not.

Q Okay. And this is Bates stamped City-JF 168 for the record. Showing you a document I've marked as Exhibit 10. Let's get this up on the screen. This is Bates stamped City-JF -- let's see, 17. Do you recognize -- is any of this your handwriting?

(EXHIBIT 10 MARKED FOR IDENTIFICATION)

A It is not.

Q Okay. And do you recognize any of this handwriting?

A I do not.

Q Okay. Showing your document I've marked as Exhibit 11, Bates stamped City-JF 187 through 189. And there's some handwriting on these pages. Is any of this handwriting yours?

(EXHIBIT 11 MARKED FOR IDENTIFICATION)

A It is not.

Q Okay. And do you recognize any of this handwriting?

A I do not.

Q Showing you document I've marked as Exhibit 12, Bates stamp is City-JF 185. Is any of that

1 **handwriting yours?**

2 (EXHIBIT 12 MARKED FOR IDENTIFICATION)

3 A It is not.

4 Q **You recognize any of that handwriting?**

5 A I do not.

6 Q **From your document I've marked as Exhibit 13,**
7 **it is City-JF 184. Is that your handwriting?**

8 (EXHIBIT 13 MARKED FOR IDENTIFICATION)

9 A It is not.

10 Q **Do you recognize that handwriting?**

11 A I do not.

12 Q **And I'm showing you a document I'm marking as**
13 **Exhibit 14. It is City-JF 183 and on the bottom right**
14 **there's some handwriting there. Is that your**
15 **handwriting?**

16 (EXHIBIT 14 MARKED FOR IDENTIFICATION)

17 A It is not.

18 Q **Okay. And do you recognize whose handwriting**
19 **that is?**

20 A I do not.

21 MR. SWAMINATHAN: Okay. All right. It's
22 12:45. I'm going about another -- little over
23 another hour. I suggest we take a break here
24 and I think maybe we should talk about whether we
25 take a -- I think it probably makes sense to take

1 sort of a quick lunch break. Does that make sense?

2 MS. BITOY: Sure. Do you have any guess in
3 terms of how much longer you have with this? Just
4 so we can try and get --

5 MR. SWAMINATHAN: And yeah. Yeah. Jennifer,
6 with -- as I say to all defense counsel, you and I
7 have not worked together. I'm willing to give you
8 an estimate if you promise not to hold me to it and
9 understand --

10 COURT REPORTER: All right, we're off the
11 record. The time is 12:48.

12 (OFF THE RECORD)

13 COURT REPORTER: We are back on the record for
14 the deposition of Anthony Noradin being conducted by
15 videoconference. My name is Sydney Little. Today
16 is February 22, 2023. And the time is 1:28 p.m.

17 BY MR. SWAMINATHAN:

18 Q All right. Mr. Noradin, did you get a chance
19 to get some lunch?

20 A I did.

21 Q Are you ready to continue?

22 A Yes.

23 Q Okay. Were you trained on the Brady
24 disclosure obligations of police officers?

25 A I believe so, yes.

1 Q And were you trained on the idea that police
2 officers had an obligation to turn over exculpatory
3 information or evidence of innocence regarding criminal
4 suspects?

5 A Yes.

6 Q Okay. And what was your understanding about
7 what your Brady obligations were based on your training?

8 A To turn all the over -- turn over the
9 information that was part of the discovery.

10 Q Okay. And so was the -- what was the training
11 with regard to what portions of a police investigative
12 file to share with the prosecution in criminal defense?

13 A You shared a complete file.

14 Q When you say a complete file, you're referring
15 to the complete investigative file.

16 A I'm -- you're -- you're -- it's a
17 broad -- it's a broad question you're asking me. You're
18 asking me in relation to a homicide investigation?

19 Q Yes.

20 A All the reports associated with that homicide
21 investigation or any paperwork associated to that
22 homicide investigation gets turned over.

23 Q Okay. And that would include -- would that
24 include everything contained in the investigative file?

25 A That's correct.

1 Q And as a primary detective assigned to a
2 homicide investigation, was it your practice to turn
3 over the entire investigative file to the prosecution?

4 A Either I would turn over to file to the
5 prosecution, or they would go through the normal
6 channels and be subpoenaed.

7 Q Would you ever pick and choose what portions
8 of the investigative files to share with the prosecution
9 or criminal defense?

10 A No.

11 Q Could you ever exclude any particular notes or
12 supplementary reports from the file in terms of what to
13 include?

14 A No.

15 Q And would you agree that that picking and
16 choosing which portions of the investigation to document
17 or disclose would be in violation of your Brady
18 obligations, as you were trained?

19 A Repeat that question, please.

20 Q Yeah. Choosing not to document or disclose
21 portions of a homicide investigation as you saw fit
22 would be improper under your Brady obligations as you
23 were trained on them, correct?

24 A That's correct.

25 Q Okay. As part of your Brady obligations, did

1 you have an obligation to turn over the results of photo
2 identification procedures?

3 A Yes.

4 Q Did you have an obligation to turn over the
5 results of photo identification procedures that they
6 result in a negative identification?

7 A Yes.

8 Q Okay. And would you agree that if there was a
9 negative identification of a suspect in a photo array,
10 that should be documented and disclosed?

11 A Yes.

12 Q And if there was a negative identification or
13 a failure to identify your suspect in a live line-up
14 procedure, that should be documented and disclosed,
15 correct?

16 A Yes.

17 Q And if there was a failure to identify your
18 suspect in a show-up, that should be documented and
19 disclosed, correct?

20 A Yes.

21 Q Okay. Were all -- information about alternate
22 suspects, was that something that should have been
23 documented and disclosed?

24 A Yes.

25 Q And so any time you had alternate suspects in

1 a homicide investigation, who those alternate suspects
2 were was information that you would document and
3 disclose to the prosecution, correct?

4 A Correct.

5 Q And it was your understanding that you were
6 required to disclose that information as part of your
7 Brady obligations, correct?

8 A Correct.

9 Q And whatever leads led you to develop evidence
10 -- strike that. Whatever information you learned that
11 caused you to believe somebody was an alternate suspect,
12 that was information that also had to be documented and
13 disclosed, correct?

14 A Correct.

15 Q And in terms of generating photo arrays, back
16 around the time of 2002, what were the available methods
17 for you to develop a photo array to use with witnesses
18 in a homicide investigation?

19 A How was a photo array generated at that time?

20 Q Exactly, sir.

21 A I'm trying to remember back in 2002, that's 20
22 years ago. Because now the things have changed.
23 We were able to do it on the computer. I believe, back
24 then, we were able to pull up photos on the computer and
25 generate a photo array.

1 Q Did you guys have something called an ICAM
2 database?

3 A Back then, I believe it was called ICAM, yes.

4 Q Okay. Thank you very much. So around 2002,
5 you could have used the ICAM database to generate photo
6 arrays, correct?

7 A I believe -- I'm -- I -- I -- I know that it's
8 -- technology has changed. I just don't know what year
9 it changed from ICAM to the data warehouse, so to speak.

10 Q Okay. And I can represent that I know because
11 of a 1998 homicide investigation that the ICAM database
12 was in use in 1998 for sure. Was there a point in time
13 when it switched from the ICAM database to some other
14 system?

15 A It's now called Data Warehouse, but I don't
16 know what year that changed. There again, I don't know
17 if ICAM was in -- in place in 2002 or was Data Warehouse
18 in place in 2002. I just don't know what technology was
19 in place in 2002 at that time.

20 Q Okay. So in 2002, it would've been either the
21 ICAM database or the Data Warehouse that was in place,
22 correct?

23 A Correct.

24 Q Okay. Thank you. And in the -- if I -- if it
25 was the ICAM database that was in place, can you explain

1 how that process worked?

2 A Meaning as far as what?

3 Q If you wanted to generate a photo array, how
4 could you do that using this ICAM database?

5 A Basically, you would've to go -- you would've
6 to go a series -- through a series of photos to match
7 demographics of your -- of your person that you want to
8 put in the photo array.

9 Q Okay. The ICAM database gave you access to
10 thousands of photos of people who'd been arrested by the
11 Chicago Police Department, correct?

12 A That's correct.

13 Q Okay. And you could essentially filter in
14 that system, people who met certain criteria, you know,
15 people of a particular race, people of a particular
16 height or weight, those kinds of things, correct?

17 A If I remember correctly, yes.

18 Q Okay. So you could create filters based on
19 certain physical characteristics of your suspect, and
20 then it would generate a whole bunch of photos for you
21 to look through, correct?

22 A Correct.

23 Q And then you would choose which set of six
24 photos you actually wanted to use for your photo array,
25 correct?

1 A Correct.

2 Q Okay. So basically, the system gave you
3 access to thousands and thousands of photos, and then
4 you could filter that down to a smaller number from
5 which you selected the exact photos you wanted, correct?

6 A Correct.

7 Q Okay. And so in -- and is that ultimately,
8 essentially -- strike that. Is that basically the same
9 process in the Data Warehouse system?

10 A Yes.

11 Q In other words, in the Data Warehouse system,
12 you also had access to thousands of CPD arrest photos,
13 and then you could filter that down to a smaller set
14 from which you chose exactly which photos you wanted to
15 include, correct?

16 A Well, right now it's -- it's -- it's -- with
17 the Data Warehouse, there is a -- a program in there for
18 mug shots, and you can generate a mugshot photo array
19 from that system, but you're only allowed, I believe,
20 200 photos to choose from.

21 Q Okay. And how does it decide what the 200
22 photos are that are available to you?

23 A Those are populated by --

24 MR. BURNS: Foundation. Foundation.

25 THE WITNESS: I'm sorry, go ahead.

1 MR. BURNS: I had an objection to foundation.

2 You can answer.

3 THE WITNESS: Yeah.

4 BY MR. SWAMINATHAN:

5 Q Go ahead.

6 A Okay. Sorry. Basically, we would -- whoever
7 our offender is in the case, we would pull this photo
8 up, and then the computer would generate photos based
9 off of that CV number.

10 Q I see. So you would upload the photo that you
11 were going to use of your suspect?

12 A I'm not basically uploading it. If I have
13 a person's IR number or CV number from a prior arrest,
14 I can enter that into the system, and then the system
15 itself would match the geographics of that person and
16 that CV number or IR number.

17 Q And when you say the geographics, you mean
18 sort of the physical characteristics?

19 A Correct.

20 Q And is it matching just like sort of their age
21 and that type of information, or is it also matching
22 their actual physical characteristics?

23 A Actual physical character --

24 MR. BURNS: Foundation.

25 A Actual physical characteristics.

1 Q I see. So the Data Warehouse system will look
2 at the arrest photo of the person that you've identified
3 as your suspect, and if that person is bald, for
4 example, the system will recognize that they're bald and
5 it'll give you other bald individuals?

6 A Correct.

7 MR. BURNS: Objection. Foundation.

8 Q And previous to that, in the CRIS -- strike
9 that. Previous to that, in the ICAM system, you could
10 input a filter that the person was bald, correct?

11 A I don't recall. I just -- it's just been so
12 long, I just don't -- I haven't -- I can't really
13 expound on the ICAM system. I can expound more on the
14 Data Warehouse system. Sorry.

15 Q Okay. Fair enough. Fair enough. Let me do
16 it without putting the system in play and just sort of
17 do it in more generally, which is, regardless of whether
18 you're using the ICAM system or the Data Warehouse
19 system, your goal was to create a photo array that was
20 fair, correct?

21 A That's correct.

22 Q Okay. And what were you trained in terms of
23 how -- what you needed to do to make a photo array be a
24 fair photo array?

25 MS. BITOY: Object to form. You can answer.

1 A Height, weight, physical characteristics,
2 tattoos, the way the hair was worn, facial hair. You
3 try to get it as close as you can so it is -- so it is
4 as fair as possible.

5 Q Okay. And in other words, you want people who
6 have physical characteristics that don't -- that match
7 your suspect, correct?

8 A Correct.

9 Q Okay. And in both of those systems, you had
10 the ability to essentially select a set of photos that
11 allowed you to create a photo array where the other
12 individuals had similar characteristics to your suspect,
13 correct?

14 A Correct.

15 Q Okay. And so for example, if your suspect had
16 a unique hairstyle, you could get -- you could put
17 together a photo array with other individuals who had a
18 similar hairstyle, correct?

19 A That's correct.

20 Q And if you had a person who had -- again, all
21 similar concepts, if you had an individual who had sort
22 of a, you know, dark complexion, you could get other
23 individuals who all had dark complexion, correct?

24 A Correct.

25 Q Okay. And those were -- those were the types

1 of things you would do as you generated photo arrays as
2 a homicide detective, correct? You tried to get people
3 who had similar height and weight and complexion and
4 hairstyle, so on, correct?

5 A Correct.

6 Q Okay. And would you account for the original
7 witness statement? So for example, if the witness who's
8 going to be shown a photo array, says that the person
9 had long hair, would you make it a point to in -- make
10 sure the photo array included all individuals who had
11 long hair?

12 A Yes.

13 Q Okay. And so similarly, if the original
14 eyewitnesses indicated that the witness was, you know,
15 the suspect was -- had dark complexion, you would put
16 together a photo array where the witnesses all had dark
17 complexion, correct? The suspect and the fillers had
18 dark complexion, correct?

19 A Correct.

20 Q Okay. And those were the kind of steps you
21 would take to ensure that a photo array that you were
22 creating and using in your homicide investigations was
23 fair, correct?

24 A Correct.

25 Q And when we say fair part of what we mean

1 is a step to ensure that the photo array is actually
2 identifying the person who committed the crime, rather
3 than just simply identifying one person out of a group
4 who stands out, correct?

5 A Rephrase that question or ask it again.

6 Q Let me -- yeah, let me strike that and ask a
7 better question. Another question. When you were
8 conducting photo arrays, would you try to conduct photo
9 arrays using pictures that were close in time to the
10 time of the crime?

11 A Yes.

12 Q Okay. So in other words, sometimes a homicide
13 investigation might take six months or a year to solve
14 or even longer in some instances, fair?

15 A Fair.

16 Q And so when you were creating photo arrays,
17 would you try to use pictures of suspects and fillers
18 that were close in time to the time of the crime?

19 A Yes.

20 Q Okay. And what was the reason that you tried
21 to do that?

22 A Because that's based on what the
23 witness -- that's what the witness saw at that time so
24 they're going to be able to identify the offender or
25 subject at that -- what that person looked like at

1 that time because if time has passed, it's not -- it's
2 not a -- a good way to show a photo array of somebody is
3 older with long hair versus somebody who was younger
4 with short hair.

5 Q Got it. Okay. Let show you a document I have
6 marked as -- I'm just going to going to go through some
7 documents. I suspect we can go through these pretty
8 quickly, but I'm just going to -- I need to put them in
9 front of you here. Let's see. Okay. This is a
10 document I've marked as Exhibit 15. This is CCSAO
11 Conflicts Bates stamp 1434 through 1435. And the topic
12 says Chicago Police Department --

13 A Can you share -- can you share because I can't
14 see it?

15 Q Sorry. Sorry. You see it on your screen now,
16 sir?

17 (EXHIBIT 15 MARKED FOR IDENTIFICATION)

18 A I do.

19 Q Okay. It's a two page report, and it's
20 entitled Chicago Police Department Original Case
21 Incident Report. Do you see that, sir?

22 A I do.

23 Q Okay. And this particular report relates to
24 the same RD number of the Sorrell investigation,
25 correct?

A Yes.

Q Okay. And this report is -- this report lists on page 2 -- see where it says personnel?

A Yes.

Q And then the personnel lists assisting detective/youth investigator Raymond Schalk. Do you see that?

A Yes.

Q Okay. And then it lists assisting detective/youth investigator Anthony Noradin. Do you see that?

A Yes.

Q Okay. And why are you listed there?

A Because when -- this report -- this just general offense case report was generated subsequent to the handwritten report, and being generated subsequent to the handwritten report, the bottom one, Jerry Bogucki is the assigned detective, so to speak, detective investigator. And then myself and Ray Schalk were under -- we were working on the same three-man car, so to speak.

Q Okay. And then here, on page 1, it indicates that this was printed by you on January 30, 2013. Do you see that?

A I do.

1 Q So what -- so what is the purpose of this
2 report?

3 A I -- I -- I -- I don't know.

4 Q There's a narrative section that says,
5 "The facts of this preliminary investigation were
6 recorded on the original case report on 21 December
7 1990." Do you see that?

8 A I do.

9 Q So what information are you trying to
10 communicate here?

11 MS. BITOY: Object to foundation. You can
12 answer.

13 A I don't know. Can you scroll up -- can you
14 scroll up back down a minute?

15 Q Up this way?

16 A Right there. Yeah.

17 Q I'll make it a little bigger if that's
18 helpful.

19 A I -- I -- I don't know.

20 Q Okay. Is this a report that you created?

21 A It would not be something I created.

22 Q So this is a -- you know who created this
23 report?

24 A I do not.

25 Q And -- but you printed it on January 30, 2013,

1 correct?

2 A That's what it says at the bottom, yes.

3 Q Do you know why you printed it in January
4 2013?

5 A I -- I do not -- I don't recall.

6 Q And do you know what purpose this type of
7 original case incident report is intended to serve in a
8 case that's already been cleared open?

9 MS. BITOY: Object to foundation. You can
10 answer.

11 A Because the case originally happened in 1990.
12 Since the case happened in 1990, the CRIS system was not
13 enrolled into the police department until after 2000.
14 So if you look at the RD number in the upper right hand
15 corner, it says 90N603937, which indicates the incident
16 occurred in 1990, and that's the way we were able
17 to -- that -- that's the way it was able to be input
18 into the system was with the year of 1990 and then the
19 RD number to follow.

20 Q So was this intended to essentially input this
21 case into the CRIS system even though it was a 1990
22 case?

23 MS. BITOY: I'm going to object to foundation.
24 Go ahead.

25 A Yes.

1 Q Okay.

2 A Because if you look at the previous reports
3 from the 1990s, those were all typed -- typed like on a
4 typewriter.

5 Q Yes.

6 A That's not converted over into the CRIS
7 system. So that handwritten report done on the day of -
8 - the general offense case report done on the day of is
9 now generated in the CRIS system under this particular
10 way the RD is written.

11 Q I see. And would there -- so in this case,
12 where the general offense case report is essentially now
13 being replaced with this incident report, would there
14 have been an attachment to this incident report that
15 contained the old handwritten general offense case
16 report?

17 A Well, the --

18 MS. BITOY: Objection to foundation. You can
19 answer.

20 A The handwritten portion of general offense
21 case report is also included in the master file.

22 Q When you say the master file, you mean within
23 the CRIS system?

24 A Within the investigative file.

25 Q Okay. Within the investigative file.

1 But would the CRIS system, would a copy of that
2 handwritten general offense case report have been input
3 or uploaded into the CRIS system?

4 MS. BITOY: Objection. Foundation. You can
5 answer.

6 A This is in lieu of that handwritten case
7 report.

8 Q Got it. Could you upload photos or any other
9 type of information into the CRIS system to associated
10 with reports, or would it only be the reports
11 themselves?

12 A Only the reports themselves.

13 Q Got it. Showing you a document I've marked as
14 Exhibit 16. Do you see that on your screen now, sir?

15 (EXHIBIT 16 MARKED FOR IDENTIFICATION)

16 A I do now.

17 Q Okay. And it's Bates stamp City-JF 126
18 through 128.

19 A Yep.

20 Q And this one is a CPD case supplementary
21 report, and it indicates that this is a field
22 investigation method/CAU code report. Do you see that,
23 sir?

24 A I do.

25 Q What does that mean?

1 A This report is generated -- this report is
2 generally generated after the general offense report has
3 been inputted into the CRIS system.

4 Q **And what is the purpose of this report?**

5 A This report, basically if you scroll up a
6 little bit --

7 Q **Yeah.**

8 A I'm sorry, the other way, down. My bad.
9 A little further. A little further. Stop. In the
10 middle of the page where it says, "Method codes and CAU
11 codes," this report is generated specifically for that.
12 So once the investigation is complete, or during the
13 process of the investigation, those two fields would be
14 filled in with -- with information. For example, method
15 code, the person -- it would be, "Person shot," because
16 Willie Sorrell was shot, so it would say, "Person shot."

17 Q **And what about the CAU codes?**

18 A The CAU code would be a firearm or shot or
19 however -- there's -- there's many -- there's
20 many -- there's a dropdown box grab, and there's many
21 categories you can be -- it can be placed in.

22 Q **Okay. And so it's basically the method by**
23 **which the crime occurred?**

24 A Correct.

25 Q **And then the CAU code is -- I guess what I'm**

1 asking, what's the difference between the method code
2 and the CAU code?

3 A If you -- if you pull up the -- I can better
4 explain it if you pull up the -- the clear close report,
5 I can explain it to you better that way.

6 Q All right. Let's do it that way. All right.
7 I'm showing you a document I've marked as Exhibit 4.
8 This is the cleared open report we looked at previously,
9 and here we have the --

10 A All right, stop.

11 Q Yeah. There we go.

12 A See, person shot. CAU code, delivery truck
13 driver.

14 Q Okay. And so what is intended to be captured
15 in the CAU codes?

16 A Just part of the invest -- what -- what
17 occurred during the part of the investigation. So
18 method code was the person was shot, and during it, was
19 -- there was an armed robbery of a delivery truck
20 driver.

21 Q Okay. All right. And in this case, by the
22 way, it's a cleared open report. In other -- and the
23 reason it's open is what?

24 A There is a second offender that has not been
25 identified.

1 Q Okay. And in terms of what implication that
2 has for how the case is treated by the Chicago Police
3 Department -- strike that. Let me ask a better
4 question. What is -- how does that impact how the
5 investigation proceeds if it's cleared open as opposed
6 to cleared closed?

7 A It means that there's still an
8 outstanding -- an offender out there in -- in relation
9 to this case.

10 Q And does that mean that the investigation will
11 then be treated as still open within the police
12 department?

13 A The case is cleared, but it's still open. It's
14 not officially closed -- completely closed because there
15 is an outstanding individual in reference into this
16 investigation.

17 Q Okay. And if the case was cleared closed,
18 would the investigative file then be transferred to the
19 records division warehouse?

20 A It's -- it's transferred whether it's cleared
21 open or cleared closed.

22 Q Okay. So both cleared open and cleared closed
23 cases get transferred to the Records Division warehouse?

24 A That is correct.

25 Q I see. Is there any difference in terms of

1 what files are kept between cleared open and cleared
2 closed cases?

3 MR. BURNS: Objection. Foundation.

4 MS. BITOY: Foundation.

5 A Can you rephrase the question or expound a
6 little more because I'm -- I don't understand the
7 question.

8 Q Yeah. So basically when you have an
9 investigative file and a cleared close case, which is
10 what I typically see, then the file, you know, is
11 basically complete and it gets sent on to the records
12 division either by the, you know, by the clerk in the
13 area or whoever it is. Is that the same process that
14 occurs with open files?

15 A Yes.

16 MS. BITOY: I'm going to object to the
17 foundation. You can answer.

18 A Yes.

19 Q Okay. And in cleared -- before a -- whether
20 it's cleared open or cleared closed, is there any
21 process of going through the investigative file to make
22 sure it's organized and stuff before it's sent on to the
23 records division warehouse?

24 MS. BITOY: Just object again to foundation.

25 A It -- it wouldn't not be done by me unless

1 there was -- I shouldn't say by myself. If it was -- if
2 the -- there's furtherance of the investigation, then it
3 would be reviewed. If there's something further to go
4 into the file as far as a detective is concerned, the
5 file would go as is.

6 Q Okay. From a detective's perspective, is
7 there any difference in terms of what happens with
8 cleared open cases versus cleared closed cases?

9 MS. BITOY: Objection. Foundation.

10 A I mean, the case is still an ongoing
11 investigation at that point because there's still a
12 wanted offender out there. And if new developments in
13 the investigation do occur, then you follow that lead in
14 reference to that, whatever that lead is, for that
15 investigation.

16 Q Okay. But the file -- but you don't even have
17 the file anymore at that point; is that right?

18 A That is correct.

19 Q So how do you continue to conduct the
20 investigation if you don't have the file?

21 A You would -- you would submit a request to the
22 warehouse requesting a copy of the file.

23 Q Okay. For purposes of tracking your own
24 cases, is it considered a case that you have essentially
25 closed among your set of assigned cases?

MS. BITOY: Object to form, ambiguity.

Q Strike that. Yeah, strike that. That's a poor question. Within the Chicago Police Department, having been a homicide detective for a long time, they would track your clearance rate, right, as a homicide detective?

MS. BITOY: I'm just going to object again to foundation. You can answer.

A Individuals?

Q Yes.

A I'm not aware of individual.

Q Okay. Have you ever had anybody follow-up with you about the rate in which you were clearing your homicide cases that you were assigned?

A No.

Q Is that something that you were aware of ever occurring within your department?

A No.

Q Okay. And overall clearance rates within the Chicago Police Department, you're aware of there being some tracking of that information, correct?

MS. BITOY: Object to foundation.

A Overall, yes.

Q Okay. And were clear open versus -- were clear open cases treated differently than cleared closed

1 cases for tracking purposes?

2 MS. BITOY: Objection to foundation.

3 MR. BURNS: Objection. Foundation.

4 A My understanding, if it's cleared,
5 it's -- it's -- it's covered under both.

6 Q Okay. In this case, you indicated that there
7 was a second defender and that's why it was listed as
8 cleared open, correct?

9 A Correct.

10 Q During the course of your involvement in this
11 investigation, did you learn any information about who
12 the second offender was?

13 A No, not that I'm aware of, no.

14 Q Did you ask any of the witnesses that you
15 spoke to about who the second offender was?

16 A Well, the only witness I spoke with was
17 Terry Rogers.

18 Q Did you ask Mr. Rogers for any more
19 information on who the second offender was?

20 A I did not.

21 Q Are you aware of any of the detectives
22 developing any additional information to identify who
23 the second defender was?

24 A I do not.

25 Q Okay. Just quickly go through this clear open

1 report while we have it in front of us. It lists here
2 in interview on -- this is on Page 5 of the report,
3 Fletcher 868. It lists here interview of Terry Rogers
4 from February 12, 2002. Did you have any involvement in
5 that interview whatsoever?

6 A Not that I recall, no.

7 Q Okay. And it says here that there are -- at
8 the bottom of the page it says, "Reporting detectives
9 checked ICAM arrest records." Do you see that?

10 A Yes, I do. At the bottom.

11 Q Okay. So does that refresh your recollection
12 that in -- around -- in 2002 the system that they were
13 using at that time was ICAM?

14 A Yes.

15 Q Okay. And so you would've -- back in 2002,
16 you would've been using the ICAM system to generate any
17 photo arrays, correct?

18 A There again, I know that ICMA -- ICAM system
19 existed, but as far as doing photo arrays like we do at
20 the Data Warehouse, I don't know if it had that feature.

21 Q Okay.

22 A I don't recall if it -- I don't recall it
23 having that feature. I just don't remember.

24 Q Okay. And then it lists that there was,
25 "The reporting detectives then located the bread truck

1 driver, Edward Cooper." Did you participate in any
2 interviews of Edward Cooper?

3 A Not that I recall, no.

4 Q It next lists, "Efforts to locate other
5 witnesses to the shooting, Sheenee Friend and Emmett
6 Wade." Did you participate in any interviews of
7 Sheenee Friend?

8 A I did not.

9 Q Did you participate in any interviews of
10 Emmett Wade?

11 A Not that I recall, no.

12 Q Okay. It indicates here that on February 13,
13 2002, Terry Rogers was interviewed by ASA Jennifer
14 Walker. Do you see that?

15 A I see that.

16 Q Did you participate in the February 13th
17 interview of Terry Rogers?

18 A Not that I recall, no.

19 Q Have you seen any handwritten note -- strike
20 that. Have you seen any handwritten statement prepared
21 regarding the February 13, 2000, interview of Terry
22 Rogers?

23 A When you say statement, you mean a statement
24 drafted by the state's attorney, or you mean notes taken
25 by a detective?

1 Q Thank you. Have you seen any handwritten
2 statement prepared by an assistant state's attorney
3 regarding the February 13, 2002, interview of Terry
4 Rogers?

5 A No.

6 Q Do you have any knowledge about why a
7 handwritten statement was not taken on February 13,
8 2002?

9 MS. BITOY: Objection. Foundation and calls
10 for speculation. You can answer.

11 A I don't -- I -- I don't know why his
12 handwritten was not taken at that time. I -- I --
13 I -- I don't know.

14 Q Okay. And then it lists here James Fletcher
15 and appears he was interviewed on February 21, 2002.
16 Did you participate in any way in that interview of
17 James Fletcher?

18 A I did not.

19 Q Okay. And then it lists a March 7, 2002,
20 interview of Sheenee Friend. Did you have any
21 participation in that interview?

22 A No, I did not. Not that I recall.

23 Q Okay. And this lists that a March 12, 2002
24 interview of Emmett Wade that begins on page 7 into page
25 8 of this report, did you participate in that interview

1 of Emmett Wade at all?

2 A Not that I recall.

3 Q Okay. Okay. Mark this. All right. I'm
4 showing your document I've marked as Exhibit 17.
5 It is -- all right. This one is marked TIRC, T-I-R-C,
6 Fletcher 39. And this is a general progress report.
7 You reviewed this document in preparation for this
8 deposition?

9 (EXHIBIT 17 MARKED FOR IDENTIFICATION)

10 A I did.

11 Q Okay. And this documents a report -- an
12 interview that appears to have occurred on March 19,
13 1995, correct?

14 A Yes.

15 Q Were you a participant in that interview at
16 all?

17 A No, sir.

18 Q Okay. This indicates that a subject named
19 Fletcher Clinton lived in the area of the intended
20 victim, Edward Cooper. Do you see that?

21 A I do.

22 Q Did you have any -- did you know anybody by
23 the name of Fletcher Clinton?

24 A No, I did not.

25 Q Did you participate in any efforts to locate

1 an individual by the name of Fletcher Clinton?

2 A No, I did not.

3 Q It says, "Clinton's name was obtained through
4 a RAMIS," R-A-M-I-S, "check of Fletcher." Do you see
5 that? Let me make it a little bigger. You see this
6 RAMIS?

7 A I do, yes.

8 Q What is RAMIS?

9 A I'm not familiar with it because it was prior
10 to me being a detective. I -- I can't explain what
11 it -- what it is.

12 Q Okay. So you didn't ever use that system,
13 whatever it is?

14 A Not that I'm aware of, no.

15 Q Okay. And you said you didn't participate in
16 any interviews of Mr. Fletcher. Did you have any other
17 conversations with Mr. Fletcher that you can recall?

18 A Not that I recall, no.

19 Q Did you have any involvement in transporting
20 Mr. Fletcher to the hospital?

21 A I did.

22 Q And what do you remember about that?

23 A I remember he -- I think he said he had high
24 blood pressure or something like that, and we had to
25 take him to the hospital to get checked out.

1 Q And who took him?

2 A Myself and another detective. I don't know
3 who it was.

4 Q Was it Detective Bogucki or Detective Schalk?

5 A I don't recall.

6 Q Showing you a document I've marked as Exhibit
7 18. This is the arrest report of Jimmy Fletcher --
8 James Fletcher, City-JF 225 to 226. And on the second
9 page of this document, you'll see it lists that you,
10 Noradin, took Mr. Fletcher to the hospital on April 20,
11 2005. Do you see that?

12 (EXHIBIT 18 MARKED FOR IDENTIFICATION)

13 A I do.

14 Q Okay. So this basically indicates that you
15 transported him to the hospital and back on April 20th,
16 correct?

17 A That's correct.

18 Q And you agree that you did, in fact, transport
19 Mr. Fletcher, correct?

20 A Correct.

21 Q At any point when you were transporting
22 Mr. Fletcher to or from the hospital on April 20th, did
23 he say anything to indicate to you that he had any
24 involvement in the Sorrell crime?

25 A Not that I recall.

1 Q Did he anything incriminating to you during
2 the course of that conversation?

3 A Not that I -- not that I recall.

4 Q If he had said something incriminating to you
5 during the course of that conversation, you would've
6 written that down, correct?

7 A I would've written it down, yes.

8 Q Okay. Oh, I was asking you before about photo
9 arrays. Did you review any photo arrays in preparation
10 for this deposition?

11 A I did not.

12 Q Okay. Did -- and you didn't generate any
13 photo arrays in this case, correct?

14 A No, I did not.

15 Q When creating photo arrays, did you ever
16 create photo arrays just using Polaroid photos like
17 photo, you know, Polaroid photos that you could hold in
18 your hand?

19 A In reference to this case?

20 Q No. I apologize. In -- as a matter of your
21 practice, did you have access to Polaroid photos that
22 you could use to generate photo arrays?

23 A I wouldn't use -- I would not use a
24 generate -- I would not use a Polaroid.

25 Q Okay. Did you ever -- were you -- were there

1 other detectives in the time that you were a detective
2 who used Polaroid photos to generate photo arrays?

3 MS. BITOY: Object to foundation and calls for
4 speculation.

5 A No, not that I'm aware of.

6 Q Okay. And so by the time you were working in
7 the detective division in 2000, were there boxes of
8 Polaroid photos that were kept at Area 5 at that point?

9 A Not Polaroid photos. There would've been if
10 maybe IR photos.

11 Q Okay. And so there would be sort of physical
12 IR photos that were kept at the -- at Area 5, correct?

13 A At some -- yes. I believe there were at some
14 point.

15 Q Okay. And would you ever use those to
16 generate photo arrays?

17 A I personally did not.

18 Q Okay. And when you generated photo arrays,
19 would you ever include the name of the individuals who
20 were the suspect and the fillers in -- as part of the
21 photo array?

22 A No.

23 Q And so when witnesses viewed photo arrays,
24 would you ever have their names visible for the
25 witnesses to see?

A No.

Q And I think I asked that question poorly, so let me ask it again. When you conducted photo arrays, would you ever allow the witness to be able to see the suspect and fillers' actual names?

A No.

Q Okay. And that was not something that you -- did you ever -- had you ever have a case where the witness could see the suspect and fillers' actual names?

A No.

Q Is that something that you would ever do?

A No.

Q And in terms of photo array procedures, for them to be fair, the goal was to focus on an individual's appearance, not on names, correct?

A Correct.

MS. BITOY: I'm just going to object to form. You can answer.

Q Did you ever use Illinois Department of Correction photos to generate photo arrays?

A I have not.

Q In investigative files, they typically have an inventory sheet, correct?

A They do.

1 Q Okay. And when you -- when I refer to
2 investigative inventory, we're talking about basically
3 an index that allows you to identify all the documents
4 that are contained in an investigative file, correct?

5 A Correct.

6 Q Okay. And what was the purpose of the
7 investigative file? I'm sorry. What was the purpose of
8 the inventory in the investigative file?

9 A It's -- it's an inventory of everything that's
10 listed inside the -- the homicide file.

11 Q Okay. And as documents were added to the
12 investigative file, they were supposed to be added to
13 the inventory, correct?

14 A That is correct.

15 Q Okay. And you were you trained that one of
16 the reasons for the inventory sheet was to ensure that
17 when prosecutors and criminal defendants received the
18 file, they could confirm whether they got everything
19 used in the inventory?

20 A Yes.

21 Q Okay. And so would you -- when you disclosed
22 files to the prosecution and the defense, you would also
23 turn over the inventory sheet that was in the
24 investigative file, correct?

25 A Yes.

1 Q Okay. And so as a homicide detective,
2 would you -- would you actually put in or enter in the
3 documents that were being added to the investigative
4 file, or was that somebody else's responsibility?

5 A That's somebody else's responsibility.

6 Q And who's responsibility was it?

7 A There was a person that keeps track of the
8 files, the homicide files.

9 Q Okay. So the homicide file basically sat in
10 some other office, correct?

11 A Expound on that a little bit so I understand
12 what you're asking.

13 Q Yeah. So when you have a homicide file during
14 an active investigation, does the homicide file live
15 with the assigned detective or some other detective or
16 with -- or does it live in a file cabinet in a
17 sergeant's office, for example?

18 A It's in the file cabinet.

19 Q Okay. And the file cabinet is where?

20 A Sergeant's office.

21 Q Okay, got it. So the investigative file is in
22 the sergeant's office in a file cabinet, and then
23 detectives add documents to that investigative file,
24 correct?

25 A Correct.

1 Q And there's somebody who works in the
2 sergeant's office who's responsible for filling out the
3 inventory sheet as documents are added; is that right?

4 A Correct.

5 Q Okay. And detectives have access to those
6 investigative files in the sergeant's office during the
7 course of an investigation, correct?

8 A Up -- up to a certain point, yes.

9 Q What do you mean by up to a certain point?

10 A At some point the -- the file gets broken down
11 into the main file and then it's -- it's put into a
12 locked -- locked room.

13 Q And when do the files end up in a locked room?

14 A It -- it varies.

15 Q Is it -- would that be that -- I assume that's
16 after the investigation is no longer active.

17 A That would be safe -- that would be safe to
18 say.

19 Q And would it be -- typically would it be after
20 the investigation is closed or cleared?

21 A It's -- it's a matter of both.

22 Q But an investigation that's still ongoing or
23 active is not locked down, correct?

24 A It's sometimes it is.

25 Q And what are the circumstances in which an

1 active investigation is locked down?

2 MS. BITOY: I'm going to object to foundation.

3 You can answer.

4 A I mean, at some point the lead, a lead, the
5 investigation needs -- requires more leads. And if
6 there's no more leads to be followed up on that, that
7 file is now placed in the main file and it -- and it's
8 locked up into a -- and it's locked in a room in a
9 cabinet.

10 Q And when you say that file is added to the
11 main file, what does that mean?

12 A You -- you're -- you keep calling it two
13 different files. I'm calling whatever -- whatever
14 you're calling two different files. I'm calling one
15 file. So if you're calling the file that's in the
16 homicide office, that's one file. That same file gets
17 put into the main file, which I'm pulling the main file.
18 It's not put into -- it's now the main file.

19 Q Okay. And I guess, maybe what I'm getting
20 confused about is, as far as I understand what you've
21 been telling me in this deposition, there's really just
22 one file and it is sometimes referred to as the
23 investigative file, sometimes referred to as the RD
24 file, but it's the one file that contains all of the
25 notes and reports and everything else for that homicide

1 investigation. Are we on the same page?

2 A Yes, we are on the same page.

3 Q Okay. And you're not aware of there being any
4 other files that are kept regarding a particular
5 homicide investigation, correct?

6 A Correct.

7 Q And that one file, whether we call it the main
8 file or investigative file or RD file, lives in the
9 sergeant's office, in the detective division area,
10 correct.

11 A In a locked room, yes.

12 Q Okay. And the detective division area
13 investigative files are not locked away initially while
14 the case is being investigated, correct?

15 A Not on day one, no. Because there's
16 still -- it's still an ongoing investigation.

17 Q Okay. So the -- and so while it's still an
18 ongoing investigation, does the file live, the file
19 still lives in the sergeant's office and is accessible
20 in the file cabinet to all of the detectives, correct?

21 A Correct.

22 Q Okay. So the file can be in the sergeant's
23 office, in the file cabinet accessible to all of the
24 various violent crimes homicide detectives, while the
25 case is active and ongoing, correct?

A Correct.

Q And any homicide detective can access the files while it's active and ongoing in the sergeant's office, correct?

A Correct.

Q And somebody in the sergeant's office will be adding -- will be adding entries into the inventory as documents are added to the investigative file, correct?

A Well, to clarify that the -- the -- my understanding is the inventory sheet is not completed until that file is made complete, locked into the locked room where the files go.

Q Got it. So in other words, the inventory's not being filled out day in and day out. It gets prepared once the case is being locked up and closed up?

A Correct.

Q Okay. And that occurs either because the case has gone cold and there's no longer any active leads or because the case is cleared or closed, correct?

A That's correct.

Q Okay. All right. So while the investigation is ongoing and detectives are accessing the investigative file, the inventory is not being filled up contemporaneously, are we in agreement?

MS. BITOY: Object to foundation. You can

1 answer.

2 A Agreed.

3 Q Okay. And while the investigation is ongoing,
4 detectives can access specific reports and notes within
5 the file if they want to review those, correct?

6 A Correct.

7 Q So for example, when you wanted to -- you
8 indicated that you reviewed the earlier reports in the
9 case before you went in and participated in the
10 interview of Mr. Rogers in May of 2002, correct?

11 A Correct.

12 Q And so for you to be able to review the
13 earlier GPRs and reports, you could -- you simply went
14 over to the investigative file and accessed those
15 documents within the investigative file, correct?

16 A At some point somebody had to request that
17 investigative file be sent to the area, I believe.
18 I don't recall specifically because it was so -- it was
19 just such an old case.

20 Q But as of -- that would've happened well
21 before May of 2002, when Mr. Bogucki and Schalk were
22 doing their work in February and March of 2002, they
23 had clearly already requested that file back to Area 5,
24 correct?

25 MS. BITOY: Objection foundation. You can

1 answer.

2 A Well, that specific file could have remained
3 at Area 5 up until 1995 and then eventually got sent to
4 the warehouse.

5 Q Okay. But in any event you knew that that
6 case was being actively worked in February, March, and
7 April of 2002 before you participated in the Rogers
8 interview in May, correct?

9 A Correct. I read -- I read the reports.

10 Q Okay. And so you knew that as of May of 2002
11 you didn't -- you weren't requesting that file from the
12 Records Division, that file was back at Area 5, correct?

13 A Correct.

14 Q Okay. All right. That's what I want.
15 I just want to make sure we're getting confused there.
16 Okay. So as of May of 2002, you certainly had access to
17 that investigative file back at the area, regardless of
18 whether it at some point had gone to the RD, to the
19 Records Division, and come back. It had come back at
20 some point because Bogucki and Schalk had brought it
21 back before you accessed it in May of 2002, correct?

22 MS. BITOY: I'm going to object to form and
23 foundation. You can answer.

24 A I believe they brought it back. I don't know
25 specifically who brought it back.

1 Q Okay. And you don't have any -- you don't
2 believe that you made a request for that file to be
3 brought back from the Records Division for you to be
4 able to familiarize yourself with reports, correct?

5 A No, I don't recall making a request for that,
6 no.

7 Q Okay. It was your understanding that the file
8 had already been requested and brought back to the area
9 before you looked at it in May of 2002?

10 A Correct.

11 Q Okay. And so then when you looked at it in
12 May 2002, you could just simply access it in the
13 sergeant's office, correct?

14 A Correct.

15 Q Okay.

16 A Well, let me rephrase that. It could either
17 have been in the sergeant's office or it could have been
18 in the locker room because it's a cold case.

19 Q I see. Okay. But it would've been accessible
20 to you in either location?

21 A Correct.

22 Q Okay. And now if we look at Exhibit 19, this
23 is the entire investigative file, Bates stamped City-JF
24 1 through CJF 226. And obviously, as I'm indicating
25 just from the Bates numbers, it's a 226-page

1 investigative file, correct?

2 (EXHIBIT 19 MARKED FOR IDENTIFICATION)

3 A Yes.

4 Q Okay. And you, this is the -- you reviewed
5 this entire file in preparation for this deposition,
6 correct?

7 A I did.

8 Q Okay. And this investigative file contains
9 all the types of things you typically expect to see in
10 an investigative file, including supplementary reports,
11 general progress reports, or arrest reports, and lots of
12 other records, correct?

13 A Yes.

14 Q Was there anything unusual about the contents
15 of this investigative file from your perspective?

16 MS. BITOY: Object to form. You can answer.

17 A No, not that I see. No.

18 Q Was there anything in this file that you
19 expected to see there that you did not see there?

20 A No.

21 Q Anything that you saw in this file that you
22 did not expect to see there?

23 A No.

24 Q Okay. And if you look at page 113 of this
25 investigative file, that is an investigative file

1 inventory that we've been discussing, correct?

2 A That is correct.

3 Q Okay. And this investigative file inventory
4 indicates that various documents were added to the
5 investigative file in 1990 and then in 1995, correct?

6 A Correct.

7 Q Okay. And would you agree with me this
8 investigative file inventory is incomplete?

9 MS. BITOY: Object to form and foundation.

10 You can answer.

11 A I would say yes.

12 Q Okay. In other words, there's a bunch of
13 other investigation that was done and contained within
14 this investigative file that's not documented on this
15 inventory, correct?

16 A Well, there are things that are not documented
17 that should be on there. I don't -- I see that the one
18 in particular, the closing, the line-ups supplementary
19 report and the closing supplementary report.

20 Q Okay. And some additional GPRs, correct?

21 A Correct.

22 Q Okay. And do you have any understanding or
23 explanation for why this inventory was not -- is
24 incomplete?

25 MS. BITOY: Objection. Foundation and calls

1 for speculation.

2 A I do not.

3 Q And do you have any personal knowledge about
4 when this inventory was created?

5 A I do not.

6 Q Okay. I'm looking at page 190 of this
7 investigative file that says City-JF. This is a request
8 for identification photos. Do you see that?

9 A I do.

10 Q It's hard to tell what date this is exactly.
11 And Jennifer, I'm going to follow up with you and Brian,
12 and actually I think Paul more likely, but I think
13 there's some documents here that are -- that are cut off
14 on the edges and we should -- we'd like to try to get
15 those cleaned up, but I'll follow with you guys after
16 the deposition about that. Meanwhile, it -- it's a June
17 24, 1990 something document. Sitting here today, do you
18 have an idea what that date actually is?

19 A I don't.

20 Q Okay. And what is a request for
21 identification photos?

22 A I believe he's requesting a color photo of
23 Clinton Fletcher.

24 Q I see. Okay. So this allows you to request
25 color photos of a particular individual, correct?

A Correct.

Q And those are photos that are obtained from what division within the Chicago Police Department?

A I would say identification.

Q Okay. And with the photos that will come back are color photos of arrest photos?

A Yes.

Q Got it. Okay. And so in this, the way to interpret this document is that it's basically a request by Sergeant Biebel for a color arrest photo of somebody named Fletcher Clinton, correct?

A Well, it's requested by Detective McDonald approved by Sergeant Biebel.

Q Thank you, thank you. Okay. And when creating -- well, this was in 19 -- it looks like it was in 1990 sometime. Did you ever use these requests for identification photos as a tool to generate photo arrays yourself?

A I have not.

Q Okay. Okay. And looking at page 6 of this Exhibit 19, City-JF 6, it's an investigative file control. Do you see that?

A I do.

Q What is an investigative file control?

A That is when the file is taken out of the

1 office, out of the locked office.

2 Q Okay. And it appears here that on January 31,
3 2013, your name is listed there, correct?

4 A It is.

5 Q Why did you request access to this file on
6 January 31, 2013?

7 A I did -- that's not my writing, so I don't
8 know. I don't know.

9 Q Do you have any memory of requesting that
10 file in January of 2013?

11 A I do not.

12 Q You know what you did with the file when you
13 requested it in January 2013?

14 MS. BITOY: I object to foundation. You can
15 answer.

16 A I do not.

17 Q Okay. In terms of your preparation for this
18 deposition, sir, I know you've indicated that you
19 reviewed the investigative file, correct?

20 A Correct.

21 Q What other documents did you review in
22 preparation for the deposition?

23 A Just the documents -- documents of the file
24 that was provided.

25 Q Were you provided with any files other than

1 the investigative file?

2 A No.

3 Q Did you review any photographs or pictures
4 that were not contained in the investigative file?

5 A No.

6 Q Did you review any criminal trial testimony?

7 A No.

8 Q Did you review any deposition transcripts?

9 A No.

10 Q Have you spoken, other than conversations with
11 Counsel, have you spoken with any other witnesses or
12 suspects related to this case?

13 A No.

14 Q Have you spoken with Mr. Bogucki or Schalk
15 about this investigation?

16 A I spoke with Detective Bogucki last week.

17 Q Okay. And when you spoke with Detective
18 Bogucki, was that on the phone or in-person?

19 A On the phone.

20 Q Is he still employed by the Chicago Police
21 Department?

22 A He is not.

23 Q Okay. And why'd you speak with Mr. Bogucki?

24 A We -- we've been long-time friends.

25 Q And so did you talk to -- what did you talk to

1 him about with regard to your deposition in this case?

2 A The only thing he asked me if I -- if I had
3 provided one, I told him no.

4 Q And did you talk at all about any of the
5 evidence in the case?

6 A No.

7 Q Did you talk about your memories of this
8 underlying investigation?

9 A No.

10 Q Did you tell him what you remembered about
11 this homicide investigation?

12 A We didn't talk about this investigation at
13 all, other than the question he asked me.

14 Q At any point since this homicide investigation
15 ended in 2002, did you and Mr. Bogucki ever talk about
16 this investigation?

17 A No.

18 Q You said -- how often do you stay in touch
19 with Mr. Bogucki?

20 A Not often.

21 Q And what about Mr. Schalk, you stay in touch
22 with him?

23 A I do.

24 Q And how often do you stay in touch with
25 Mr. Schalk?

1 A At least once a year.

2 Q Okay. Have you spoken with Sergeant,
3 then-Sergeant, Wojcik? I'll strike that. Have you ever
4 spoken with Mr. Wojcik about this lawsuit?

5 A I have not.

6 Q Have you ever spoken with Mr. Wojcik about the
7 Sorrell homicide investigation at any point since it
8 concluded in May of 2002?

9 A I have not.

10 Q What is your opinion of Mr. Wojcik?

11 MS. BITOY: Object to form. You can answer.

12 A Repeat the question.

13 Q Yeah. What is your opinion of Mr. Wojcik?

14 A He is a straightforward guy.

15 Q Did you have -- did he have a reputation in
16 the department when you worked with him?

17 MS. BITOY: Objection. Form, foundation. You
18 can answer.

19 A What type of reputation you're referring to?

20 Q I -- I'm not. I'm asking you, do -- did he
21 have any kind of reputation?

22 MS. BITOY: Same objection. You can answer.

23 A My understanding, Tony, Sergeant Wojcik, was a
24 smart -- a smart straight direct guy who was very good
25 at what he did.

1 Q Are you aware of there ever being any
2 allegations of misconduct against Tony Wojcik?

3 MS. BITOY: Objection. Foundation. You can
4 answer.

5 A Not that I'm aware of.

6 Q Are you aware of any allegations from multiple
7 individuals that Mr. Wojcik ever subjected them to any -
8 - to physical abuse during the course of interrogations?

9 MS. BITOY: Objection. Foundation. You can
10 answer.

11 A Not that I'm aware of, no.

12 Q And are you aware of any misconduct associated
13 with Mr. Wojcik's involvement in the Laquan McDonald
14 case?

15 MS. BITOY: Objection Foundation.

16 A Not that I'm aware of.

17 Q Okay. When you reviewed the investigative
18 file in this case, did it cause you to -- did it trigger
19 any specific memories in your brain about this
20 particular homicide investigation?

21 A No.

22 Q And in fact, when you first learned about this
23 lawsuit against you, did you remember anything about the
24 Sorrell homicide investigation?

25 A No, I did not.

1 Q Okay. Does this investigation stick out to
2 you in any way as compared to the many, many other
3 homicide investigations you've conducted in your career?

4 A No.

5 Q Would you say you have any personal
6 independent memory of this homicide investigation?

7 A No, I don't.

8 Q Okay. And so in other words, you can't
9 picture some specific event from this particular
10 investigation that you can see in your mind, correct?

11 A Correct.

12 Q Okay. You can't think -- you can't remember
13 any specific conversation that you had with anybody
14 related to this investigation, correct?

15 A Correct.

16 Q Okay. And so you cannot remember what you,
17 any specific thing you said to a witness or what a
18 witness said to you, correct?

19 A The only witness I engaged with was Terry
20 Rogers.

21 Q Okay. And you don't remember anything
22 specific about that conversation, correct?

23 A No, nothing specific other than what -- other
24 than what I've read on the report.

25 Q Okay. In other words, you're entirely

1 dependent on your report to testify about that
2 interaction with Mr. Rogers, correct?

3 A I know I was with Mr. Rogers and I was with
4 Jennifer Walker.

5 Q Okay. And other than -- and you know that
6 from the reports, correct?

7 A Yes.

8 Q And you don't -- and do you have any specific
9 memory of being in a room with Mr. Rogers and Ms.
10 Walker?

11 A I have a distinct little bit of a memory of
12 what room we were in, but it just -- it just doesn't
13 stand out.

14 Q Okay. And so anything you can say about what
15 was actually said during the course of that conversation
16 is based on your review of documents, correct?

17 A Yes.

18 Q And similarly, anything else related to your
19 interactions in any way during the course of the Sorrell
20 homicide investigation is entirely dependent on review
21 of documents, correct?

22 MS. BITOY: Object to the investigative
23 testimony. You can answer.

24 A Like I -- like I stated before, the only thing
25 that I really have knowledge of is Terry Rogers's

1 interview.

2 Q Okay. And then in terms of anything else you
3 did or didn't do on the investigation, you're basically
4 relying on the documents to tell you what you did or
5 didn't do, correct?

6 A If I would've recalled I did something, I'd
7 tell you I did. I do remember, like I told you,
8 transporting from 26th Street to Area 5 that I do
9 remember. Was there any conversations at that point? I
10 don't remember if there was or was not.

11 MR. SWAMINATHAN: Why don't we take a
12 five-minute break? I'm pretty close to done here,
13 so why don't we just take a quick break and then let
14 me see if I've got anything else.

15 COURT REPORTER: All right. We are off the
16 record. The time is 2:27.

17 (OFF THE RECORD)

18 COURT REPORTER: We are back on the record for
19 the deposition of Anthony Noradin being conducted
20 via videoconference. My name is Sydney Little,
21 today is February 22, 2023, and the time is 2:36.

22 BY MR. SWAMINATHAN:

23 Q Mr. Noradin, we talked earlier about the
24 primary detective assigned on a homicide investigation,
25 and I want to ask you just about the responsibility of

1 the primary detective assigned with regard to the
2 investigative file. And so again, investigative file
3 as we're using it refers to that one file that's kept
4 within the detective division area, correct?

5 A Correct.

6 Q Okay. And so what responsibility did the
7 primary assigned detective have with regard to the
8 investigative files kept in the detective division area?

9 A Ensure that all the reports and GPRs and
10 paperwork that belongs with the investigation is
11 enclosed in that file.

12 Q Okay. And did they have any -- were they
13 expected to organize the file so that it was, you know,
14 readable and the same types of reports were in the same
15 place, those kinds of things?

16 A Correct. It's done by the -- that's done by
17 the, I'm going to call the file clerk, but there's
18 somebody that actually inputs all the files into the
19 file folder or book, whatever you want to call it.
20 The investigative file. Let me -- let me just use that
21 word.

22 Q So there's a file clerk whose job is actually
23 to physically put the documents into the file; is that
24 what you're saying?

25 A That is correct.

1 Q Okay. And that -- and because those things go
2 into the file like in a -- with little sort of -- with
3 little holes and they get punched into the file,
4 correct?

5 A Correct. And each file or each subsection is
6 tagged by a file separator.

7 Q Okay. And that's all done by the file clerk
8 you're saying?

9 A Correct.

10 Q Okay. But the primary detective assigned is
11 the one who will pass all of the documents on or ensure
12 that all the documents that need to be passed on are
13 given to that file clerk?

14 A Yeah. I mean, the lead detective as well.
15 The assisting detectives also have the same procedures
16 of giving the file clerk the information to be put into
17 that specific file.

18 Q Okay. And I guess my understanding was that
19 the investigative file was essentially more of a loose
20 file that you could take documents in and out of while
21 the investigation's ongoing.

22 MS. BITOY: Object to form and foundation.

23 Q Is that wrong? In other words, the document,
24 it's all going in with two whole punches into that
25 investigative file, even as the investigation is

1 ongoing?

2 A Yes.

3 Q Okay. So the primary detective assigned is
4 responsible for just ensuring that everybody is handing
5 their documents into that file clerk to get them
6 included into the investigative file, correct?

7 A The best that they can, yes.

8 Q Okay. And during the course of an
9 investigation until a report is written on a particular
10 aspect of an investigation, the GPRs for that will stay
11 with the particular detectives who conducted those
12 investigative steps, correct?

13 A Correct.

14 Q Okay. And then only once the report and the
15 GPRs have being turned in do they end up going into the
16 investigative file, correct?

17 A Correct.

18 Q Okay. And at the end, and when investigation
19 was closed, the primary detective assigned, I assume,
20 had the responsibility for going through that file to
21 make sure everything that was supposed to be there was
22 there?

23 A That's fair to say.

24 Q Because that's the person who has -- who is
25 knowledgeable about what all happened during the course

1 of that investigation to ensure that it's all documented
2 and contained in the file, correct?

3 A Correct.

4 Q And the file clerk is not in a position to be
5 able to review the investigative file to be able to say
6 whether all of the investigation steps have been
7 properly documented included in that file, correct?

8 MS. BITOY: Object to foundation.

9 A The -- the -- the person who does the filings
10 job is to list the inventory, put the information on the
11 inventory sheet, and then put that in the documents into
12 the investigative file.

13 Q Okay. So the file clerk is not knowledgeable
14 about the day-to-day progress of each homicide
15 investigation, correct?

16 A That's correct.

17 MS. BITOY: Object to foundation. You can
18 answer.

19 A Correct.

20 Q Okay. The person who has that knowledge is
21 the primary detective assigned, correct?

22 A That's the sergeant.

23 MR. SWAMINATHAN: Okay. I have no further
24 questions.

25 CROSS EXAMINATION

1 BY MS. BITOY:

2 Q All right, Mr. Noradin, I do have a couple
3 follow-up questions for you. You previously testified
4 that you were present for Terry Rogers's statement to
5 ASA Walker on May 8, 2002; is that correct?

6 A That's correct.

7 Q I want to direct you to that statement.
8 I believe it was Plaintiff's Exhibit number 3, Bates
9 stamped City-JF 161 to 163. And do you have the
10 statement in front of you to appear? I know, so just
11 for the record, we have the exact same statement, but a
12 different Bates numbers. We have the IND DPF1587 to
13 INDPF1589, but it corresponds to Terry Rogers's
14 statement as Plaintiff -- Plaintiff's Exhibit 3?

15 A Yes.

16 Q Okay. So I'm going to go through that with
17 you right now quickly. It says the statement of Terry
18 Rogers taken May 8, 2002 at 4:35 p.m. at Area 5.
19 Do you see that?

20 A I do.

21 Q And then it says that the statement taken
22 regarding the shooting and robbery of Willie Sorrell
23 and Edward Cooper on December 21, 1990, I think you said
24 15 West Madison Street at 1:25 p.m. Do you see that?

25 A Yes.

1 Q And then there's a cross out in terms of
2 Miranda rights given; is that accurate?

3 A That's accurate.

4 Q And I believe that your explanation for that
5 was that Mr. Rogers is not under arrest; is that
6 correct?

7 A Correct.

8 Q Okay. So can you just please read the
9 statement into the record, please?

10 A Sure.

11 MR. SWAMINATHAN: Objection to form and
12 foundation. There's no basis in a deposition to
13 read the document into the record but go ahead.
14 BY MS. BITOY:

15 Q Go ahead.

16 A "After being advised of the fact that
17 Assistant State's Attorney Jennifer Walker is a lawyer
18 and a prosecutor, but not his lawyer, Terry Rogers
19 agreed to give the following statement, which is a
20 summary but not word for word. Terry states he is 40
21 years old. Terry states he was born on September 12,
22 1962. Terry states he currently does not have a
23 permanent address, but states he lived in Chicago all
24 his life. Terry states he went to school up into fifth
25 grade at Emmett Grade School. Terry states that Exhibit

1 A is a picture of a guy he knows as Fletcher. Terry
2 states that on December 21, 1990, he was hanging out on
3 Madison in Chicago, in the -- in the early afternoon.
4 Terry states he saw Edward Cooper and Cooper's bread
5 truck near Uncle Remus' restaurant, also, on Madison.
6 Terry states he has known Edward Cooper since he was
7 eight or nine years old. Terry states he watched
8 Fletcher and another guy Terry doesn't know walk down
9 Madison towards where Edward Cooper had parked the bread
10 truck. Terry states he saw Fletcher and the other guy
11 approach Edward Cooper. When Fletcher approached Cooper,
12 Terry saw that Fletcher had a gun in his hand.
13 Terry states he then saw Cooper get inside the bread
14 truck. Terry states he then heard some shots, and then
15 saw Fletcher and the other guy with Fletcher running
16 towards Madison and Parkside, and Edward Cooper was
17 running after them. Later on that afternoon, Terry heard
18 that someone had been shot. Terry states he was -- he
19 has known Fletcher since they were kids and they used to
20 go roller skating at the same place. Terry states he
21 has been treated okay by the police and by Assistant
22 State's Attorney Jennifer Walker. Terry states he was
23 given McDonald's to eat and coffee and soda to drink.
24 Terry states he has been given cigarettes to smoke and
25 has been allowed to sleep -- and has been allowed to

1 sleep. Terry states he was allowed to go to the
2 bathroom. Terry states he was not made any threats or
3 promises and given this statement freely and
4 voluntarily. Terry states that Assistant State's
5 Attorney Jennifer Walker read the entire statement out
6 loud to Terry and allowed him to follow along if he
7 needed -- if he wished. Terry was allowed to make any
8 corrections -- any changes or corrections to the
9 statement that he wished."

10 Q Were you present when the assistant state's
11 attorney Walker was writing out this statement in the
12 presence of Terry Walker, Terry Rogers. Is that
13 accurate?

14 A Yes.

15 Q And your signature is affixed to the bottom of
16 all three --

17 MR. SWAMINATHAN: Jennifer, I can't really hear
18 you very well. Sorry.

19 MS. BITOY: I'm sorry. I'll speak louder.

20 BY MS. BITOY:

21 Q Your signature is affixed to the bottom of all
22 three pages of this handwritten statement; is that
23 accurate?

24 A That's true.

25 MR. SWAMINATHAN: Form. Go ahead.

1 Q And do you also previously testified that you
2 reviewed the GPR related to Mr. Rogers's interview prior
3 to this handwritten statement being taken with ASA
4 Walker; is that accurate?

5 A That's correct.

6 MR. SWAMINATHAN: Objection. I'm going to have
7 an objection to these leading questions. Just give
8 me a chance to get that in, Mr. Noradin. Objection
9 to form. Go ahead.

10 BY MS. BITOY:

11 Q And in your review of the GPR related to
12 Mr. Rogers's interview, and this handwritten statement
13 that we have just reviewed, did Mr. Rogers essentially
14 relay the same information to you as he had documented
15 in the GPR of his interview?

16 MR. SWAMINATHAN: Objection to form. Go ahead.

17 A Yes.

18 Q And you testified that you were familiar with
19 what had occurred within the investigation prior to your
20 involvement in 2002; is that correct?

21 A Yes.

22 Q Were you aware that Mr. Rogers had been
23 previously interviewed back in 1990?

24 A Yes.

25 MR. SWAMINATHAN: Objection to form.

1 Q And do you recall what Mr. Rogers stated back
2 in 1990?

3 MR. SWAMINATHAN: Objection to form. Go ahead.

4 A I do.

5 Q And what was that?

6 A He stated that he recalled one of the
7 individuals being by the name of Fletcher.

8 Q And so -- and you came across -- you
9 were -- and were you privy to this information prior or
10 when you were conducting your investigation in 2002 that
11 Mr. Rogers had previously identified someone by the name
12 of Fletcher back in 1990?

13 A Yes.

14 MR. SWAMINATHAN: Objection. Form. Go ahead.

15 Q No problem. So Plaintiff's counsel had
16 previously asked you questions regarding your personal
17 practice with regards to communicating with other
18 detectives regarding the status and progress of an
19 investigation that you were working on. Do you recall
20 that line of questioning?

21 A I do.

22 Q And I think you testified that it was your
23 personal practice or preference to discuss matters
24 related to investigations either face-to-face or over
25 the phone with other detectives working on the case; is

1 that correct?

2 A That's correct.

3 Q Okay. Did that preclude you from answering or
4 utilizing e-mail in response to other detectives
5 inquiring regarding certain aspects of an investigation?

6 A No, it did not.

7 Q At any point during your investigation into
8 the Willie Sorrell murder, did you provide Mr. Rogers
9 with an incentive in the way of declining to investigate
10 charges against him on an unrelated case in exchange
11 for him providing testimony against Mr. Fletcher?

12 A No.

13 Q And did having an extensive criminal history
14 in and of itself diminish Mr. Rogers' credibility and
15 the information that he was providing to you regarding
16 his knowledge of the Sorrell murder?

17 MR. SWAMINATHAN: Objection. Form. Go ahead.

18 A No.

19 Q Other than the transportation of Mr. Fletcher
20 to Area 5, based on your review of the area file, you
21 were not present for the line-up conducted on April 20,
22 2002, that Mr. Fletcher participated in; is that
23 correct?

24 A Correct

25 MR. SWAMINATHAN: Objection to form.

1 Q And based on your review of the area file, you
2 weren't present for Edward Cooper's interview in 2002,
3 at which time he viewed a photo array and picked out
4 Mr. Fletcher as looking to similar as one of the
5 offenders; is that accurate?

6 MR. SWAMINATHAN: Objection to form.

7 A Correct.

8 Q And similarly, based on your review of the
9 area file, you weren't present for Sheenee Friend's
10 interview in 2002, which she was shown a photo array and
11 positively identified Mr. Fletcher as one of the
12 offenders who robbed Edward Cooper; is that correct?

13 MR. SWAMINATHAN: Objection to form.

14 A Correct.

15 MS. BITOY: Those are all of the questions that
16 I have for you. Thank you.

17 MR. BURNS: I have no questions.

18 COURT REPORTER: Okay. Any follow-up?

19 MR. SWAMINATHAN: No, no follow-up.

20 MS. BITOY: Right. And we'll reserve
21 signature.

22 COURT REPORTER: Reserve, sounds good.

23 And then Anand, how would you like your copy?

24 MR. SWAMINATHAN: I don't need a copy now.

25 Thank you.

1 COURT REPORTER: Okay. And same with the
2 video?

3 MR. SWAMINATHAN: Yeah, same with the video,
4 but could you just -- before you move on, before I
5 forget, can you tell us a total time on the record
6 today?

7 COURT REPORTER: Yes, we are at 3:26 and I'll
8 just get their orders and get off of it for you.
9 Ms. Blagg, would you like a copy?

10 MR. SWAMINATHAN: She -- nobody is Blagg here.

11 COURT REPORTER: Oh, excuse me, sorry.
12 Yeah, Ms. Bitoy, would you like a copy?

13 MS. BITOY: Great, we'll take a copy. Just PDF
14 is fine.

15 COURT REPORTER: PDF, would you like a copy of
16 the video?

17 MS. BITOY: No, no video. That's fine.

18 COURT REPORTER: Okay. And then Mr. Burns,
19 would you like a copy?

20 MR. BURNS: No, thanks.

21 COURT REPORTER: And same with the video?

22 MR. BURNS: No, thanks.

23 COURT REPORTER: Okay. I'll get us off the
24 record. We're off the record.

25 (DEPOSITION CONCLUDED AT 2:49 P.M. (CT))

1 CERTIFICATE OF REPORTER

2 STATE OF ILLINOIS

3
4 I do hereby certify that the witness in the foregoing
5 transcript was taken on the date, and at the time and
6 place set out on the Stipulation page hereof by me after
7 first being duly sworn to testify the truth, the whole
8 truth, and nothing but the truth; and that the said
9 matter was recorded by me digitally and then reduced to
10 typewritten form under my direction, and constitutes a
11 true record of the transcript as taken, all to the best
12 of my skills and ability. I certify that I am not a
13 relative or employee of either counsel, and that I am in
14 no way interested financially, directly or indirectly,
15 in this action.



22
23
24
25



SYDNEY LITTLE,

COURT REPORTER/NOTARY

COMMISSION EXPIRES ON: 03/18/2026

SUBMITTED ON: 03/03/2023

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